

SCHEDULE 2

ENFORCEMENT

8.—(1) In this paragraph—

“relevant information” means information obtained by an inspector in pursuance of a requirement imposed under paragraph 2; and

“the recipient”, in relation to any relevant information, means the person by whom that information was so obtained or to whom that information was so furnished, as the case may be; and

“relevant statutory provisions” means—

- (a) the provisions of the 1974 Act and any regulations made under powers contained in that Act; and
- (b) while and to the extent that they remain in force, the provisions of the Acts mentioned in Schedule 1 to the 1974 Act and which are specified in the third column of that Schedule and the regulations, orders or other instruments of a legislative character made or having effect under a provision so specified.

(2) Subject to the following sub-paragraph, no relevant information shall be disclosed without the consent of the person by whom it was furnished.

(3) The preceding sub-paragraph shall not apply to—

- (a) disclosure of information to ^{F1}... the Executive, a government department, or the CAA;
- (b) without prejudice to paragraph (a), disclosure by the recipient of information to any person for the purpose of any function conferred on the recipient by or under any of the relevant statutory provisions or under these Regulations;
- (c) without prejudice to paragraph (a), disclosure by the recipient of information to a constable authorised by a chief officer of police to receive it; or
- (d) disclosure by the recipient of information in a form calculated to prevent it from being identified as relating to a particular person or case.

^{F2}(4) In the preceding paragraph, any reference to the Executive, the CAA or a government department includes respectively a reference to an officer of that body, and also, in the case of a reference to the Executive, includes a reference to—

- (a) a person performing any of the functions of the Executive by virtue of section 13(3) of the 1974 Act;
- (b) an officer of a body which is so performing any such functions; and
- (c) an adviser appointed in pursuance of section 13(7) of the 1974 Act.]

(5) A person to whom information is disclosed in pursuance of sub-paragraph (3) shall not use the information for a purpose other than—

- (a) in a case falling within sub-paragraph (3)(a), a purpose of ^{F3}... the Executive, a government department, or the CAA in question in connection with these Regulations or with the relevant statutory provisions, as the case may be;
- (b) in the case of information given to a constable, the purposes of the police in connection with these Regulations, the relevant statutory provisions or any enactment whatsoever relating to working time.

(6) A person shall not disclose any information obtained by him as a result of the exercise of any power conferred by paragraph 2 (including in particular any information with respect to any trade secret obtained by him in any premises entered by him by virtue of any such power) except—

Changes to legislation: There are currently no known outstanding effects for the The Civil Aviation (Working Time) Regulations 2004, Paragraph 8. (See end of Document for details)

- (a) for the purposes of his functions; or
- (b) for the purposes of any legal proceedings; or
- (c) with the relevant consent.

In this sub-paragraph “the relevant consent” means, in the case of information furnished in pursuance of a requirement imposed under paragraph 2, the consent of the person who furnished it, and, in any other case, the consent of a person having responsibilities in relation to the premises where the information was obtained.

(7) Notwithstanding anything in the preceding sub-paragraph an inspector shall, in circumstances in which it is necessary to do so for the purpose of assisting in keeping persons (or the representatives of persons) adequately informed about matters affecting their health, safety and welfare or working time, give to such persons or their representatives the following descriptions of information, that is to say—

- (a) factual information obtained by him as mentioned in that sub-paragraph which relates to their working environment; and
- (b) information with respect to any action which he has taken or proposes to take in or in connection with the performance of his functions in relation to their working environment;

and, where an inspector does as aforesaid, he shall give the like information to the employer of the first-mentioned persons.

(8) Notwithstanding anything in sub-paragraph (6), a person who has obtained such information as is referred to in that sub-paragraph may furnish to a person who appears to him to be likely to be a party to any civil proceedings arising out of any accident, occurrence, situation or other matter, a written statement of the relevant facts observed by him in the course of exercising any of the powers referred to in that sub-paragraph.

Textual Amendments

- F1** Words in Sch. 2 para. 8(3)(a) omitted (1.4.2008) by virtue of [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21)
- F2** Sch. 2 para. 8(4) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21)
- F3** Words in Sch. 2 para. 8(5)(a) omitted (1.4.2008) by virtue of [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\)](#), art. 1, **Sch. 3** (with art. 21)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Aviation (Working Time) Regulations 2004, Paragraph 8.