



Airports Act 1986

1986 CHAPTER 31

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary

74 Restriction on disclosure of information.

- (1) Subject to the following provisions of this section, no information with respect to any particular business which has been obtained under or by virtue of the provisions of this Act shall, so long as the business continues to be carried on, be disclosed without the consent of the person for the time being carrying it on.
- (2) Subsection (1) does not apply to any disclosure of information which is made—
 - (a) for the purpose of facilitating the performance of any functions under this Act or any of the enactments [^{F1}or subordinate legislation] specified in subsection (3) of any Minister, any Northern Ireland department, the head of any such department, the CAA, [^{F2}the Competition and Markets Authority][^{F3}the Water Services Regulation Authority][^{F4}the Director General of Electricity Supply][^{F5}the Director General of Electricity Supply for Northern Ireland][^{F6}or the Director General of Gas for Northern Ireland][^{F7}[^{F8}the [^{F9}Office of Rail Regulation]]][^{F7}the Office of Rail and Road] or a local weights and measures authority in Great Britain;
 - (b) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
 - (c) for the purposes of any civil proceedings brought under or by virtue of this Act or any of the enactments [^{F1}or subordinate legislation] specified in subsection (3);
 - (d) in pursuance of any [^{F10}[^{F11}assimilated] obligation].
- (3) The enactments [^{F12}and subordinate legislation] referred to in subsection (2) are—
 - (a) the ^{M1}Trade Descriptions Act 1968;

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- (b) the ^{M2}Fair Trading Act 1973;
 - (c) the ^{M3}Consumer Credit Act 1974;
 - ^{F13}(d)
 - ^{F13}(e)
 - (f) the ^{M4}Estate Agents Act 1979;
 - (g) the ^{M5}Competition Act 1980; . . . ^{F14}
 - (h) the 1982 Act and any Order in Council made under section 60 of that Act (Air Navigation Orders).
 - ^{F15}(i) the ^{M6}Consumer Protection Act 1987.]
 - ^{F16}(j)
 - ^{F17}(k) the ^{M7}Water Act 1989 [^{F18}the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991)]^{F19}, or the Water Act 2003]^{F20}or the Water Act 2014].]
 - ^{F21}(l) the ^{M8}Electricity Act 1989.]
 - ^{F22}(ll)
 - ^{F23}(m) the Electricity (Northern Ireland) Order 1992]
 - ^{F24}(mm) the Gas (Northern Ireland) Order 1996;]
 - ^{F25}(n) the Railways Act 1993]
 - ^{F26}(o)
 - ^{F27}(p) the Competition Act 1998.]
 - ^{F28}(q) Part I of the Transport Act 2000.]
 - ^{F29}(r) the Enterprise Act 2002]
 - ^{F30}(s) the Railways Act 2005.]
 - ^{F31}(t) the Water and Sewerage Services (Northern Ireland) Order 2006.]
 - ^{F32}(u) the Business Protection from Misleading Marketing Regulations 2008;
 - (v) the Consumer Protection from Unfair Trading Regulations 2008.]
 - ^{F33}(w) the Airport Charges Regulations 2011.]
 - ^{F34}(x) Part 1 of the Civil Aviation Act 2012]
 - ^{F35}(y) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013]
- (4) Nothing in subsection (1) shall be construed—
- ^{F36}(a)
 - (b) as applying to any information which has been made public as part of [^{F37}a report of the Competition Commission under section 45]^{F38}(prior to the abolition of the Competition Commission by section 26 of the Enterprise and Regulatory Reform Act 2013)].
- (5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- ^{F39}(6)

Textual Amendments

F1 Words inserted by [S.I. 1988/915, reg. 7\(6\)\(g\)\(i\)](#)

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- F2** Words in s. 74(2)(a) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 43(2)** (with art. 3)
- F3** Words in s. 74(2)(a) substituted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 24(a)**; S.I. 2005/2714, art. 4(f)
- F4** Words inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 33**
- F5** Words in s. 74(2)(a) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 30(a)**; S.R. 1992/117, **art. 3(1)**.
- F6** Words in s. 74(2)(a) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2) art. 71(1), Sch. 6 (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2**
- F7** Words in s. 74(2)(a) substituted (E.W.S.) (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 4(g)**
- F8** Words in s. 74(2)(a) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), **Sch. 12 para. 23(1)**; S.I. 1993/3237, **art. 2(2)**.
- F9** Words in s. 74 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 2 para. 19(i)**; S.I. 2004/827, **art. 4(g)**
- F10** Words in s. 74(2)(d) substituted (31.12.2020) by The Civil Aviation (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/687), regs. 1(2), 2; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in s. 74(2)(d) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 20**
- F12** Words inserted by S.I. 1988/915, **reg. 7(6)(g)(ii)**
- F13** S. 74(3)(d)(e) repealed (1.3.2000) by S.I. 2000/311, **art. 17(2)**
- F14** Word repealed by Consumer Protection Act 1987 (c. 43, SIF 109:1), s. 48, **Sch. 5**
- F15** Para. inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), s. 48, **Sch. 4 para. 10**
- F16** S. 74(3)(j) repealed (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, Sch. 2 para. 32(a), **Sch. 4 Pt. 1** (with reg. 28(2)(3))
- F17** Para. inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 76(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1) Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F18** Words in s. 74(3)(k) inserted (E.W.) (01.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 132), ss. 2(1), 4(2), **Sch. 1 para. 44**
- F19** Words in s. 74(3)(k) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 24(b)**; S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F20** Words in s. 74(3)(k) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **3**
- F21** Para. inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112, **Sch. 16 para. 33**
- F22** S. 74(3)(ll) omitted (1.4.2014) by virtue of Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 3(2)(a)** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 5(1)(b)
- F23** S. 74(3)(m) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 30(b)**; S.R. 1992/117, **art. 3(1)**.
- F24** S. 74(3)(mm) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2) art. 71(1), Sch. 6 (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2**
- F25** S. 74(3)(n) added (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), **Sch. 12 para. 23(2)**; S. I. 1993/3237, **art. 2(2)**.
- F26** S. 74(3)(o) repealed (20.7.2007) by The EC Competition Law (Articles 84 and 85) Enforcement (Revocation) Regulations 2007 (S.I. 2007/1846), reg. 1, **Sch.**
- F27** S. 74(3)(p) inserted (1.4.1999) by S.I. 1999/506, **art. 19(b)**
- F28** S. 74(3)(q) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 18**
- F29** S. 74(3)(r) inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 14(6)(b)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F30** S. 74(3)(s) inserted (E.W.S.) (8.6.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 9**; S.I. 2005/1444, art. 2(1), Sch. 1

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- F31** S. 74(3)(t) added (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336), art. 1(2), **Sch. 12 para. 23** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. Pt. 2 (with Sch. 2)
- F32** S. 74(3)(u)(v) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 32(b)** (with reg. 28(2)(3))
- F33** S. 74(3)(w) inserted (10.11.2011) by The Airport Charges Regulations 2011 (S.I. 2011/2491), reg. 1(1), **Sch. 3 para. 2**
- F34** S. 74(3)(x) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 3(2)(b)** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(3)
- F35** S. 74(3)(y) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 43(3)** (with art. 3)
- F36** S. 74(4)(a) repealed (1.4.2014) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 3(3)(a)** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 5(1)(b)
- F37** Words in s. 74(4)(b) substituted (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 3(3)(b)** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(3)
- F38** Words in s. 74(4)(b) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 43(4)** (with art. 3)
- F39** S. 74(6) omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 43(5)** (with art. 3)

Modifications etc. (not altering text)

- C1** S. 74 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), s. 115; S.I. 2003/2681, art. 2(b)
- C2** S. 74 applied (10.11.2011) by The Airport Charges Regulations 2011 (S.I. 2011/2491), reg. 1(1), **Sch. 3 para. 1**
- C3** S. 74(2): Disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2), **Sch. 4 para. 25**

Marginal Citations

- M1** 1968 c.29(109:1).
- M2** 1973 c.41(124:1).
- M3** 1974 c.39(60).
- M4** 1979 c.38(124:4).
- M5** 1980 c.21(124:1).
- M6** 1987 c.43(109:1).
- M7** 1989 c.15(130).
- M8** 1989 c.29(44:1).

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Changes and effects yet to be applied to :

- s. 74 by [S.I. 2000/311 art. 17](#)
- s. 74 amended by [S.I. 1999/506 art. 19\(b\)\(c\)](#)
- s. 74(2) by [2001 c. 24 s. 17 Sch. 4 Pt. 1 para. 25](#)
- s. 74(2)(a) amended (NI) by [S.I. 1996/275 \(N.I.\) art. 71\(1\)Sch. 6](#)
- s. 74(3)(o) by [S.I. 2001/2916 reg. 35\(3\)](#)
- s. 74(3)(o) added by [S.I. 1996/2199 reg. 29\(4\)](#)
- s. 74(3)(q) by [S.I. 2001/4050 Sch. para. 18](#)
- s. 74(3)(ll) added (prosp.) by [S.I. 1994/426 \(N.I.\) art. 71\(2\)Sch. 9 para. 10](#)
- s. 74(3)(mm) added (NI) by [S.I. 1996/275 \(N.I.\) art. 71\(1\)Sch. 6](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act saved (6.5.1999) by [1998 c. 46 s. 30 Sch. 5 Pt. 2 s. E4\(f\)](#)
- Act textual by [S.I. 2001/2237 art. 2](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(1) (defn. of "principal council") para. (aa) added (prosp.) by [1994 c. 19 s. 66\(6\)Sch. 16 para. 77](#)
- s. 12(1) (defns. "local authority""principal council") para. (b) amended (S) by [1994 c. 39 Sch. 13 para. 147](#)
- s. 12(1) (defn. of "principal council") para. (a) repealed in part (prosp.) by [1994 c. 19 s. 66\(6\)\(8\)Sch. 16 para. 77Sch. 18](#)