



Electricity Act 1989

1989 CHAPTER 29

PART I

ELECTRICITY SUPPLY

Miscellaneous

57 General restrictions on disclosure of information

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- (a) has been obtained under or by virtue of any of the provisions of this Part; and
 - (b) relates to the affairs of any individual or to any particular business,
- shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the carrying out by the Secretary of State, the Director or the Monopolies Commission of any of his or, as the case may be, their functions under this Part;
 - (b) for the purpose of facilitating the carrying out by—
 - (i) any Minister of the Crown;
 - (ii) the Director General of Fair Trading;
 - (iii) the Monopolies Commission;
 - (iv) the Comptroller and Auditor General;
 - (v) the Director General of Telecommunications;
 - (vi) the Director General of Gas Supply;
 - (vii) the Director General of Water Supply;
 - (viii) the Civil Aviation Authority;
 - (ix) the Insolvency Practitioners Tribunal; or

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- (x) a local weights and measures authority in Great Britain,
of any of his or, as the case may be, their functions under any of the enactments or instruments specified in subsection (3) below;
- (c) for the purpose of enabling or assisting the Secretary of State to exercise any powers conferred on him by the Financial Services Act 1986 or by the enactments relating to companies, insurance companies or insolvency or for the purpose of enabling or assisting any inspector appointed by him under the enactments relating to companies to carry out his functions;
- (d) for the purpose of enabling or assisting an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the Insolvency Act 1986 to carry out its functions as such;
- (e) for the purpose of facilitating the carrying out by the Health and Safety Executive of any of their functions under any enactment;
- (f) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
- (g) for the purposes of any civil proceedings brought under or by virtue of this Part or any of the enactments or instruments specified in subsection (3) below; or
- (h) in pursuance of a Community obligation.
- (3) The enactments and instruments referred to in subsection (2) above are—
- (a) the Trade Descriptions Act 1968;
- (b) the 1973 Act;
- (c) the Consumer Credit Act 1974;
- (d) the Restrictive Trade Practices Act 1976;
- (e) the Resale Prices Act 1976;
- (f) the Estate Agents Act 1979;
- (g) the 1980 Act;
- (h) the National Audit Act 1983;
- (i) the Telecommunications Act 1984;
- (j) the Airports Act 1986;
- (k) the Gas Act 1986;
- (l) the Insolvency Act 1986;
- (m) the Consumer Protection Act 1987;
- (n) the Water Act 1989;
- (o) any subordinate legislation made for the purpose of securing compliance with the Directive of the Council of the European Communities dated 10th September 1984 (No. [84/450/EEC](#)) on the approximation of the laws, regulations and administrative provisions of the member States concerning misleading advertising.
- (4) The Secretary of State may by order provide that subsections (2) and (3) above shall have effect subject to such modifications as are specified in the order.
- (5) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be published under section 42 or 48 above or may be included in, or made public as part of, a report of the Director, the Monopolies Commission or a consumers' committee under any provision of this Part; or

- (b) as applying to any information which has been so published or has been made public as part of such a report.
- (6) Any person who discloses any information in contravention of this section shall be 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.

58 Directions restricting the use of certain information

- (1) The Secretary of State may give to any person who is authorised by a licence to transmit electricity (“the authorised person”) such directions as appear to the Secretary of State to be requisite or expedient for the purpose of securing that, in any case where subsection (2) below applies, neither the person by whom the information mentioned in that subsection is acquired nor any other person obtains any unfair commercial advantage from his possession of the information.
- (2) This subsection applies where, in the course of any dealings with an outside person who is, or is an associate of, a person authorised by a licence or exemption to generate, transmit or supply electricity, the authorised person or any associate of his is furnished with or otherwise acquires any information which relates to the affairs of that outside person or any associate of his.
- (3) As soon as practicable after giving any directions under subsection (1) above, the Secretary of State shall publish a copy of the directions in such manner as he considers appropriate for the purpose of bringing the directions to the attention of persons likely to be affected by a contravention of them.
- (4) The obligation to comply with any directions under subsection (1) above is a duty owed to any person who may be affected by a contravention of them.
- (5) Where a duty is owed by virtue of subsection (4) above to any person any breach of the duty which causes that person to sustain loss or damage shall be actionable at the suit or instance of that person.
- (6) In any proceedings brought against any person in pursuance of subsection (5) above, it shall be a defence for him to prove that he took all reasonable steps and exercised all due diligence to avoid contravening the directions.
- (7) Without prejudice to any right which any person may have by virtue of subsection (5) above to bring civil proceedings in respect of any contravention or apprehended contravention of any directions under this section, compliance with any such directions shall be enforceable by civil proceedings by the Secretary of State for an injunction or interdict or for any other appropriate relief.
- (8) In this section—
 - “dealings” includes dealings entered into otherwise than for purposes connected with the transmission of electricity;
 - “outside person”, in relation to any person, means any person who is not an associate of his;and for the purposes of this section a person is an associate of another if he and that other are connected with each other within the meaning of section 839 of the Income and Corporation Taxes Act 1988.

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59 Making of false statements etc

- (1) If any person, in giving any information or making any application under or for the purposes of any provision of this Part, or of any regulations made under this Part, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (2) Any person who seeks to obtain entry to any premises by falsely pretending to be—
 - (a) an employee of a public electricity supplier;
 - (b) an electrical inspector; or
 - (c) a meter examiner,shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) No proceedings shall be instituted in England and Wales in respect of an offence under subsection (1) above except by or with the consent of the Secretary of State or the Director of Public Prosecutions.