



Water Industry Act 1991

1991 CHAPTER 56

PART VII

INFORMATION PROVISIONS

Restriction on disclosure of information

206 Restriction 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 by virtue of any of the provisions of this Act; 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) No person shall disclose any information furnished to him under section ^{F1}. . . 204 above or under Chapter III of Part IV of this Act except—
 - (a) with the consent of the person by whom the information was furnished;
 - (b) in connection with the execution of that Chapter;
 - (c) for the purposes of any proceedings arising under that Chapter (including any appeal, application to the Secretary of State or the Director or an arbitration);
 - (d) for the purposes of any criminal proceedings (whether or not so arising); or
 - (e) for the purposes of any report of any proceedings falling within paragraph (c) or (d) above.
- (3) 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 Minister, [^{F2}the Environment Agency, [^{F3}the NRW,] the Scottish Environment Protection Agency], the Director [^{F4}, the Council] , the [^{F5}CMA] or a county council or local authority of any of his, its or, as the case may be, their functions by virtue of this Act, any of the other consolidation Acts

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- [^{F6}, ^{M1}the Water Act 1989, Part I or IIA of the Environmental Protection Act 1990 [^{F7}, the ^{M2}Environment Act 1995][^{F8}, regulations under section 2 of the Pollution Prevention and Control Act 1999, [^{F9}the Water Act 2003 [^{F10}, the Water Act 2014] or the Natural Resources Body for Wales (Establishment) Order 2012 (S.I.2012/1903)]]];
- (b) for the purpose of facilitating the performance by a relevant undertaker of any of the duties imposed on it by or under this Act, any of the other consolidation Acts [^{F11}, the Water Act 1989 [^{F12}, the Water Act 2003 or ^{F13}... the Water Act 2014]] [^{F14} or by [^{F15}a water supply licensee or sewerage licensee of any of the duties imposed on the licensee] by or under this Act][^{F16}, the Water Act 2003 or the Water Act 2014];
- (c) in pursuance [^{F17}of any duty imposed by section 27H above or] section 197(1) (a) or (2) or [^{F18}203(1), (1A), (2) or (2A)] of the ^{M3}Water Resources Act 1991 (information about water flow and pollution);
- [^{F19}(ca) for the purpose of complying with a request under section 14 of the Flood and Water Management Act 2010;]
- (d) for the purpose of facilitating the carrying out by any person mentioned in Part I of Schedule 15 to this Act of any of his functions under any of the enactments or instruments specified in Part II of that Schedule;
- [^{F20}(e) for the purpose of enabling or assisting the Secretary of State, the Treasury [^{F21}, the Financial Conduct Authority, the Prudential Regulation Authority or the Bank of England] to exercise any powers conferred by or under the Financial Services and Markets Act 2000 or by the enactments relating to companies or insolvency;
- (ea) for the purpose of enabling or assisting any inspector appointed under enactments relating to companies to carry out his functions;]
- (f) for the purpose of enabling 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 ^{M4}Insolvency Act 1986 to carry out its functions as such;
- (g) for the purpose of facilitating the carrying out by ^{F22}... the Health and Safety Executive of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority, within the meaning of Part I of the ^{M5}Health and Safety at Work etc. Act 1974, of any functions under a relevant statutory provision, within the meaning of that Act;
- [^{F23}(ga) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;]
- (h) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;
- (i) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
- (j) for the purposes of any civil proceedings brought under or by virtue of this Act, any of the other consolidation Acts, [^{F24}, the Water Act 2003][^{F25}, the Water Act 2014] or any of the enactments or instruments specified in Part II of Schedule 15 to this Act, or of any arbitration under this Act, any of the other consolidation Acts [^{F26}, the Water Act 1989 [^{F27}, the Water Act 2003 or the Water Act 2014]]; or
- (k) in pursuance of [^{F28}[^{F29}an assimilated] obligation].
- (4) Nothing in subsection (1) above shall be construed—

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- (a) as limiting the matters which may be published under section [F30]38A, 95A or] 201 above or may be included in, or made public as part of, a report of [F31]the Environment Agency, [F32]the NRBW,] the Scottish Environment Protection Agency], the Director, [F33]the Council (or any regional committee)] or the [F34]CMA] under any provision of this Act [F35, Part I or IIA of M6]the Environmental Protection Act 1990, the M7]Water Resources Act 1991]] [F7, the M8]Environment Act 1995 [F36, regulations under section 2 of the Pollution Prevention and Control Act 1999, or the Water Act 2003]]]; or
 - (b) as applying to any information which has been so published or has been made public as part of such a report or to any information exclusively of a statistical nature.
- (5) Subject to subsection (6) below, nothing in subsection (1) above shall preclude the disclosure of information—
- (a) if the disclosure is of information relating to a matter connected with the carrying out of the functions of a relevant undertaker[F37, or with the carrying on by [F38]a water supply licensee or sewerage licensee of activities under the licence held by the licensee,] and is made by one Minister of the Crown or government department to another; or
 - (b) if the disclosure is for the purpose of enabling or assisting any public or other authority for the time being designated for the purposes of this section by an order made by the Secretary of State to discharge any functions which are specified in the order.
- (6) The power to make an order under subsection (5) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and where such an order designates an authority for the purposes of paragraph (b) of that subsection, the order may—
- (a) impose conditions subject to which the disclosure of information is permitted by virtue of that paragraph; and
 - (b) otherwise restrict the circumstances in which disclosure is so permitted.
- (7) Any person who discloses any information in contravention of the preceding provisions of this section shall be guilty of an offence.
- (8) A person who is guilty of an offence under this section by virtue of subsection (1) above 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.
- (9) A person who is guilty of an offence under this section by virtue of subsection (2) above shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding level 3 on the standard scale or to both .
- F39] [(9A) Information obtained by the Director in the exercise of functions which are exercisable concurrently with the [F40]CMA] under Part I of the Competition Act 1998 is subject to [F41]Part 9 of the Enterprise Act 2002 (Information)] and not to subsections (1) to (9) of this section.]
- (10) In this section “the other consolidation Acts” means the M9]Water Resources Act 1991, F42]... the M10]Land Drainage Act 1991 and the M11]Water Consolidation (Consequential Provisions) Act 1991.

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[^{F43}(11) In this section the reference to the Bank of England does not include the Bank acting in its capacity as the Prudential Regulation Authority.]

Textual Amendments

- F1** Words in s. 206(2) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 121(1), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words in s. 206(3)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 121(2)(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F3** Words in s. 206(3)(a) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 255(2)(a)** (with Sch. 7)
- F4** Words in s. 206(3)(a) inserted (1.10.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 27(5)(a)(i)**; S.I. 2005/2714, **art. 2(l)(v)(bb)** (with Sch. 2 para. 8)
- F5** Word in s. 206(3)(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. 92(2)** (with art. 3)
- F6** Words in s. 206(3)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 121(2)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F7** Words in s. 206(3)(a)(4)(a) substituted (21.3.2000) by 1999 c. 24, s. 6, **Sch. 2 para. 7**; S.I. 2000/800, **art. 2**
- F8** Words in s. 206(3)(a) substituted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 27(5)(a)(ii)**; S.I. 2004/641, **art. 3(y)**, Sch. 2 (with art. 6, Sch. 3)
- F9** Words in s. 206(3)(a) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 255(2)(b)** (with Sch. 7)
- F10** Words in s. 206(3)(a) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **6(6)(a)**
- F11** Words in s. 206(3)(b) substituted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 27(5)(a)(iii)**; S.I. 2004/641, **art. 3(y)**, Sch. 2 (with art. 6, Sch. 3)
- F12** Words in s. 206(3)(b) substituted (3.10.2016) by The Water and Sewerage Undertakers (Exit from Non-household Retail Market) Regulations 2016 (S.I. 2016/744), reg. 1(2), **Sch. 2 para. 10**
- F13** Words in s. 206(3)(b) omitted (31.3.2017) by virtue of The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **6(6)(b)(i)**
- F14** Words in s. 206(3)(b) inserted (1.12.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 47(2)**; S.I. 2005/2714, **art. 3** (with Sch. 2 para. 8)
- F15** Words in s. 206(3)(b) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 116(2)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(z) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F16** Words in s. 206(3)(b) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **6(6)(b)(ii)**
- F17** Words in s. 206(3)(c) substituted (1.10.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 27(5)(a)(iv)**; S.I. 2005/2714, **art. 2(l)(v)(bb)** (with Sch. 2 para. 8)
- F18** Words in s. 206(3)(c) substituted (1.12.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 47(3)**; S.I. 2005/2714, **art. 3** (with Sch. 2 para. 8)
- F19** S. 206(3)(ca) inserted (1.4.2011) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 50** (with s. 49(1)(6)); S.I. 2011/694, art. 3(h)
- F20** S. 206(3)(e)(ea) substituted (1.12.2001) for s. 206(3)(e) by S.I. 2001/3649, **arts. 1, 328**
- F21** Words in s. 206(3)(e) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 72** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F22** Words in s. 206(3)(g) omitted (1.4.2008) by virtue of The Legislative Reform (Health and Safety Executive) Order (S.I. 2008/960), art. 22, {Sch. 3} (with Sch. 2)
- F23** S. 206(3)(ga) inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 64**; S.I. 2014/251, art. 4

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- F24** Words in s. 206(3)(j) substituted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 27(5)(a)(v)(a)**; S.I. 2004/641, **art. 3(y)**, Sch. 2 (with art. 6, Sch. 3)
- F25** Words in s. 206(3)(j) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **6(6)(c)(i)**
- F26** Words in s. 206(3)(j) substituted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 27(5)(a)(v)(b)**; S.I. 2004/641, **art. 3(y)**, Sch. 2 (with art. 6, Sch. 3)
- F27** Words in s. 206(3)(j) substituted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **6(6)(c)(ii)**
- F28** Words in s. 206(3)(k) substituted (31.12.2020) by The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/558), regs. 1(1), **3(6)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in s. 206(3)(k) 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. 30(3)**
- F30** Words in s. 206(4)(a) inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), s. 56(6), **Sch. 1 para. 27**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. 1
- F31** Words in s. 206(4)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 121(3)(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F32** Words in s. 206(4)(a) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 255(3)** (with Sch. 7)
- F33** Words in s. 206(4)(a) substituted (1.10.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 27(5)(b)(i)**; S.I. 2005/2714, **art. 2(l)(v)(bb)** (with Sch. 2 para. 8)
- F34** Word in s. 206(4)(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. 92(2)** (with art. 3)
- F35** Words in s. 206(4)(a) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 121(3)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F36** Words in s. 206(4)(a) substituted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 27(5)(b)(ii)**; S.I. 2004/641, **art. 3(y)**, Sch. 2 (with art. 6, Sch. 3)
- F37** Words in s. 206(5)(a) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 47(4)**; S.I. 2004/641, **art. 3(y)**, Sch. 2 (with art. 6, Sch. 3)
- F38** Words in s. 206(5)(a) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 116(3)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(z) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F39** S. 206(9A) inserted (1.3.2000) by 1998 c. 41, s. 66(5), **Sch. 10 Pt. IV para. 13(9)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F40** Word in s. 206(9A) 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. 92(3)** (with art. 3)
- F41** Words in s. 206(9A) substituted (20.6.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, **Sch. 25 para. 25(10)(b)**; S.I. 2003/1397, **art. 2(1)**, Sch.
- F42** Words in s. 206(10) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 28(4)(d)**
- F43** S. 206(11) inserted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 5**

Modifications etc. (not altering text)

- C1** S. 206 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), ss. 115, 120; S.I. 2003/2681, **art. 2**
- C2** S. 206 extended (1.12.1991) by Statutory Water Companies Act 1991 (c. 58, SIF 130), ss. 16, 17(2).
- C3** S. 206(3): disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2)(a), **Sch. 4 Pt. I para. 31**

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Marginal Citations

- M1** 1989 c. 15.
- M2** 1995 c. 25.
- M3** 1991 c. 57.
- M4** 1986 c. 45.
- M5** 1974 c. 37.
- M6** 1990 c. 43.
- M7** 1991 c. 57.
- M8** 1995 c. 25.
- M9** 1991 c. 57.
- M10** 1991 c. 59.
- M11** 1991 c. 60.

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Changes and effects yet to be applied to :

- s. 206(3)(a) words repealed by [1999 c. 24 Sch. 3](#)
- s. 206(4)(a) words repealed by [1999 c. 24 Sch. 3](#)
- s. 206(9) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)

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

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

- Pt. 3 Ch. 2B inserted by [2014 c. 21 s. 12](#)
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by [S.I. 2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17A(c) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(d) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(2)(ba) and word inserted by [2014 c. 21 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 17R(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(7)(b) (as substituted) by [S.I. 2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17AA(1)(ba)(bb) inserted by [2014 c. 21 Sch. 5 para. 5\(2\)](#)
- s. 17BA(5A) inserted by [2014 c. 21 Sch. 5 para. 7\(3\)](#)
- s. 17HA(9)(b)(ia) inserted by [2014 c. 21 Sch. 5 para. 16\(2\)](#)
- s. 23(2AA) inserted by [2014 c. 21 Sch. 7 para. 35\(4\)](#)
- s. 23(8)(9) inserted by [2014 c. 21 Sch. 7 para. 35\(10\)](#)
- s. 39E-39H inserted by [2021 c. 30 s. 78\(7\)](#)
- s. 87(7C)-(7F) inserted by [2012 c. 7 s. 35\(6\)](#)
- s. 94A-94E inserted by [2021 c. 30 s. 79](#)
- s. 95ZA(6) inserted by [2014 c. 21 Sch. 5 para. 39\(4\)](#)
- s. 96ZA(2)-(5) substituted for s. 96ZA(2) by [2014 c. 21 Sch. 5 para. 40](#)
- s. 106B(3A) inserted by [2014 c. 21 Sch. 7 para. 94](#)
- s. 117G(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(2\)](#)
- s. 117G(4)-(4D) substituted for s. 117(4) by [2014 c. 21 Sch. 5 para. 41\(3\)](#)
- s. 117G(6)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(4\)](#)
- s. 117K(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(2\)](#)
- s. 117K(5)(5A) substituted for s. 117(5) by [2014 c. 21 Sch. 5 para. 42\(3\)](#)
- s. 117L(9) inserted by [2014 c. 21 Sch. 5 para. 43\(3\)](#)
- s. 117N(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(2\)](#)
- s. 117N(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(3\)](#)
- s. 117N(11)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(4\)](#)
- s. 117O(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(2\)](#)
- s. 117O(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(3\)](#)
- s. 117S(7)-(9) inserted by [2014 c. 21 Sch. 5 para. 49](#)
- s. 119(2)(ab) inserted by [2003 c. 37 s. 89\(1\)\(a\)](#)
- s. 119(3) inserted by [2003 c. 37 s. 89\(1\)\(b\)](#)

- s. 121(1)(ba) inserted by 2003 c. 37 s. 89(2)(a)
- s. 141DA inserted by 2021 c. 30 s. 81
- s. 141DC inserted by 2021 c. 30 s. 83
- s. 177K(7)(aa) inserted by 2014 c. 21 Sch. 5 para. 42(4)
- s. 207D and cross-heading inserted by 2014 c. 21 s. 39
- s. 207D(5) word repealed by 2014 c. 21 Sch. 5 para. 52(a)
- s. 207D(5) words inserted by 2014 c. 21 Sch. 5 para. 52(b)
- s. 213(1ZA) inserted by 2014 c. 21 Sch. 7 para. 119(3)
- s. 213(1ZA) repealed by 2014 c. 21 Sch. 5 para. 53