



# Railways Act 1993

## 1993 CHAPTER 43

### PART III

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

##### *Supplemental*

#### **145 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 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) 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 [<sup>F1</sup> the Welsh Ministers], [<sup>F2</sup> the Scottish Ministers], [<sup>F3</sup> the Office of Rail and Road], [<sup>F4</sup> . . . or the [<sup>F5</sup> Competition and Markets Authority] of any of his or, as the case may be, their functions under this Act [<sup>F6</sup> the Transport Act 2000 or the Railways Act 2005];
  - [<sup>F7</sup>(aa) for the purpose of facilitating the carrying out or carrying on by the Secretary of State [<sup>F1</sup> the Welsh Ministers] or the Scottish Ministers of any other functions or activities of his or theirs in relation to railways or railway services;]
  - (b) for the purpose of facilitating the carrying out by—
    - (i) any Minister of the Crown,
    - [<sup>F8</sup>(ii) . . . . .
    - (iii) the [<sup>F9</sup> Competition and Markets Authority],
    - [<sup>F10</sup>(iv) the Office of Communications,]

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*Changes to legislation: There are currently no known outstanding effects  
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- (v) the Director General of Gas Supply,
  - [<sup>F11</sup>(vi) the Water Services Regulation Authority,]
  - (vii) the Director General of Electricity Supply,
  - (viii) the Civil Aviation Authority,
  - <sup>F12</sup>(ix) ..... or
  - (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;
- [<sup>F13</sup>(c) for the purpose of enabling or assisting the Secretary of State, the Treasury [<sup>F14</sup>, the Financial Conduct Authority or the Prudential Regulation Authority] to exercise any powers conferred by or under the Financial Services and Markets Act 2000 [<sup>F15</sup>, by or under the Consumer Credit Act 1974] or by the enactments relating to companies or insolvency;
  - (ca) for the purpose of enabling or assisting any inspector appointed under 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 <sup>M1</sup>Insolvency Act 1986 to carry out its functions as such;
  - (e) for the purpose of facilitating the carrying out by <sup>F16</sup>... 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 <sup>M2</sup>Health and Safety at Work etc. Act 1974, of any functions under a relevant statutory provision, within the meaning of that Act;
  - [<sup>F17</sup>(ea) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;]
  - (f) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;
  - (g) <sup>F18</sup> .....
  - [<sup>F19</sup>(ga) for the purpose of facilitating the carrying out by the Office of Rail and Road of any of its functions under—
    - (i) the Railway (Licensing of Railway Undertakings) Regulations 2005, or
    - (ii) the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016;]
  - <sup>F20</sup>(gb) .....
  - [<sup>F21</sup>(gc) for the purpose of facilitating the carrying out by the Office of Rail Regulation of any of its functions, in respect of the tunnel system (within the meaning of the Channel Tunnel Act 1987), under any instrument made for the purpose of implementing Directive 2012/34/EU of the European Parliament and of the Council dated 21st November 2012 establishing a single European railway area,;]
  - (h) 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 or any of the enactments or instruments specified in subsection (3) below; or
  - (k) in pursuance of [<sup>F22</sup>an][<sup>F23</sup>EU] obligation.

(3) The enactments and instruments referred to in subsection (2) above are—

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- (a) the <sup>M3</sup>Trade Descriptions Act 1968;
- (b) the <sup>M4</sup>Fair Trading Act 1973;
- (c) the <sup>M5</sup>Consumer Credit Act 1974;
- <sup>F24</sup>(d) .....
- <sup>F24</sup>(e) .....
- (f) the <sup>M6</sup>Estate Agents Act 1979;
- (g) the <sup>M7</sup>Competition Act 1980;
- (h) the <sup>M8</sup>Telecommunications Act 1984;
- (j) the <sup>M9</sup>Airports Act 1986;
- (k) the <sup>M10</sup>Gas Act 1986;
- (l) the <sup>M11</sup>Insolvency Act 1986;
- (m) the <sup>M12</sup>Consumer Protection Act 1987;
- (n) the <sup>M13</sup>Electricity Act 1989;
- <sup>F25</sup>(o) .....
- (p) the <sup>M14</sup>Water Industry Act 1991;
- (q) the <sup>M15</sup>Water Resources Act 1991;
- <sup>F26</sup>(qq) the Competition Act 1998.]
- <sup>F27</sup>(qr) Part I of the Transport Act 2000;]
- <sup>F28</sup>(qs) the Enterprise Act 2002;]
- <sup>F29</sup>(qt) the Communications Act 2003;]
- <sup>F30</sup>(qu) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market]
- <sup>F31</sup>(r) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising]
- <sup>F32</sup>(s) Part 1 of the Civil Aviation Act 2012]
- <sup>F33</sup>(t) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013]
- <sup>F34</sup>(u) the Water Act 2003;
- (v) the Water Act 2014.]

(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 71 above or may be included in, or made public as part of, a report of [<sup>F3</sup>the Office of Rail and Road], <sup>F4</sup> . . . , the [<sup>F35</sup>Competition and Markets Authority], [<sup>F36</sup>or the [<sup>F37</sup>Passengers' Council]] under any provision of Part I above;
- (b) as applying to any information—
  - (i) which has been so published or has been made public as part of such a report; or
  - (ii) which has otherwise been made available to the public by virtue of being disclosed in any circumstances in which, or for any purpose for which, disclosure is not precluded by this section.

<sup>F38</sup>(5A) Subsection (1) above does not prevent the transfer of records in accordance with section 3(4) of the <sup>M16</sup>Public Records Act 1958.]

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- (6) Any person who discloses any information in contravention of this section is guilty of an offence and 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.
- [<sup>F39</sup>(6A) Information obtained by [<sup>F3</sup>the Office of Rail and Road] in the exercise of functions which are exercisable concurrently with [<sup>F40</sup>the Competition and Markets Authority] under Part I of the Competition Act 1998 is subject to [<sup>F41</sup>Part 9 of the Enterprise Act 2002 (Information)] (disclosure) and not to subsections (1) to (6) of this section.]
- <sup>F42</sup>(7) .....

#### Textual Amendments

- F1** Words in s. 145(2)(a)(aa) inserted (13.6.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(2)(b)(ix), **Sch. para. 32**
- F2** Words in s. 145(2)(a) inserted (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, **Sch. 11 para. 16(1)(a)(i)**; [S.I. 2005/1444](#), **art. 2(1)**, Sch. 1
- F3** Words in s. 145(2)(a)(ga)(gb)(5)(6A) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 1(aaa)**
- F4** Words in s. 145 repealed (1.12.2006) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), [Sch. 11 para. 11\(2\)](#)); [S.I. 2006/2911](#), **art. 2**, Sch. (subject to the transitional and saving provisions in arts. 3-7)
- F5** Words in s. 145(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. 109(2)(a)** (with art. 3)
- F6** Words in s. 145(2)(a) substituted (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, **Sch. 11 para. 16(1)(a)(ii)**; [S.I. 2005/1444](#), **art. 2(1)**, Sch. 1
- F7** S. 145(2)(aa) inserted (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 54, 60, **Sch. 11 para. 16(1)(b)**; [S.I. 2005/1444](#), **art. 2(1)**, Sch. 1
- F8** S. 145(2)(b)(ii) 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. 109(2)(b)(i)** (with art. 3)
- F9** Words in s. 145(2)(b)(iii) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), **Sch. 1 para. 109(2)(b)(ii)** (with art. 3)
- F10** S.145(2)(b)(iv) substituted (25.7.2003 for certain purposes and 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2)(3), {[Sch. 17 para. 127\(2\)](#)} (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900](#), **art. 2(1)**, Sch. 1; [S.I. 2003/3142](#), **art. 3**
- F11** S. 145(2)(b)(vi) substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **8(a)**
- F12** S. 145(2)(b)(ix) omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 6 para. 22(9)**; [S.I. 2015/1732](#), art. 2(e)(vi) (with art. 7)
- F13** S. 145(2)(c)(ca) substituted (1.12.2001) for s. 145(2)(c) by [S.I. 2001/3649](#), **arts. 1, 343**
- F14** Words in s. 145(2)(c) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), **Sch. 18 para. 77(2)** (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, Sch.
- F15** Words in s. 145(2)(c) inserted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 5**
- F16** Words in s. 145(2)(e) 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, Sch. 2)

*Changes to legislation: There are currently no known outstanding effects for the Railways Act 1993, Section 145. (See end of Document for details)*

- F17** S. 145(2)(ea) inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 69**; S.I. 2014/251, art. 4
- F18** S. 145(2)(g) omitted (28.11.2005) by virtue of The Railways Infrastructure (Access and Management) Regulations 2005 (S.I. 2005/3049), reg. 2(4), **Sch. 1 para. 4(e)(i)**
- F19** S. 145(2)(ga) substituted (31.12.2020) by The Railway (Licensing of Railway Undertakings) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/700), regs. 1(2), **22(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** S. 145(2)(gb) omitted (29.7.2016) by virtue of The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645), reg. 1(1), **Sch. 1 para. 3(4)(b)** (with reg. 4)
- F21** S. 145(2)(gc) inserted (24.3.2015 reg. 1(2)) by The Railways Infrastructure (Access and Management) (Amendment) Regulations 2015 (S.I. 2015/786), **reg. 7(3)**
- F22** Word in s. 145(2)(k) substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), **art. 6(3)** (with art. 3(2)art. 3(3) 4(2) 6(4)(5))
- F23** Words in s. 145(2)(k) substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), **art. 6(1)(e)** (with art. 3(2)art. 3(3) 4(2) 6(4)(5))
- F24** S. 145(3)(d)(e) repealed (1.3.2000) by 1998 c. 41, ss. 66(5), 74(3), Sch. 10 Pt. IV para. 15(9)(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F25** S. 145(3)(o) omitted (1.10.2013) by virtue of The Property Misdescriptions Act 1991 (Repeal) Order 2013 (S.I. 2013/1575), art. 1, **Sch. para. 1**
- F26** S. 145(3)(qq) inserted (11.1.1999) by 1998 c. 41, s. 66(5), **Sch. 10 Pt. IV para. 15(9)(b)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**
- F27** S. 145(3)(qr) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 23**
- F28** S. 145(3)(qs) inserted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 30(14)(b)**; S.I. 2003/766, {art. 2}, Sch. (with transitional and transitory provision in art. 3)
- F29** S.145(3)(qt) inserted (25.7.2003 for certain purposes and 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21) , ss. 406, 411(2)(3), {Sch. 17 para. 127(3)} (with transitional provisions in Sch. 18); S.I. 2003/1900, **art. 2(1)**, Sch. 1; S.I. 2003/3142, **art. 3**
- F30** S. 145(3)(qu) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 52(a)** (with reg. 28(2)(3))
- F31** S. 145(3)(r) substituted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 52(b)** (with reg. 28(2)(3))
- F32** S. 145(3)(s) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 8** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(3)
- F33** S. 145(3)(t) 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. 109(3)** (with art. 3)
- F34** S. 145(3)(u)(v) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), **art. 8(b)**
- F35** Words in s. 145(5)(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. 109(4)** (with art. 3)
- F36** Words in s. 145(5) substituted (24.7.2005) by Railways Act 2005 (c. 14), ss. 54, 60, **Sch. 11 para. 16(2)**; S.I. 2005/1909 {art. 2}, Sch.
- F37** Words in s. 145(5)(a) substituted (25.2.2010) by The Passengers' Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), art. 1, **Sch. para. 6(6)**
- F38** S. 145(5A) inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 41(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F39** S. 145(6A) inserted (1.3.2000) by 1998 c. 41, ss. 66(5), **Sch. 10 Pt. IV para. 15(10)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F40** Words in s. 145(6A) 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. 109(5)** (with art. 3)

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- F41** Words in s. 145(6A) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 30(14)(c)(ii)**; S.I. 2003/766, {art. 2}, (with transitional and transitory provision in art. 3), Sch.
- F42** S. 145(7) repealed (24.7.2005) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, **art. 2**, Sch.

#### Modifications etc. (not altering text)

- C1** S. 145 applied (28.11.2005) by The Railways Infrastructure (Access and Management) Regulations 2005 (S.I. 2005/3049), **reg. 39**  
 S. 145 applied (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), **reg. 18**
- C2** S. 145 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), **s. 115(2)(j)**; S.I. 2003/2681, **art. 2(b)**
- C3** S. 145 modified (25.6.2010) by The Rail Passengers Rights and Obligations Regulations 2010 (S.I. 2010/1504), **reg. 19**
- C4** S. 145 modified (29.7.2016) by The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645), reg. 1(1), **s. 44** (with reg. 4)
- C5** S. 145(1) restricted (25.5.2005) by The Railways Act 2005 (Transitional Provisions and Savings) Order 2005 (S.I. 2005/1738), **art. 5**
- C6** S. 145(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. I para. 34**
- C7** S. 145(3) modified by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), **art. 2**, **Sch. para. 7(3)(d)** (coming into force in accordance with art. 1 of the amending S.I.)

#### Commencement Information

- I1** S. 145 wholly in force at 1.4.1994; s. 145 not in force at Royal Assent see s. 154(2); s. 145(1)-(6) (except for the purposes of subsections 5(a) and 5(b)(i)) in force at 24.12.1993 by S.I. 1993/3237, **art. 2(1)**; s. 145 in force at 1.4.1994 insofar as not already in force by S.I. 1994/571, **art. 5**

#### Marginal Citations

- M1** 1986 c. 45.  
**M2** 1974 c. 37.  
**M3** 1968 c. 29.  
**M4** 1973 c. 41.  
**M5** 1974 c. 39.  
**M6** 1979 c. 38.  
**M7** 1980 c. 21.  
**M8** 1984 c. 12.  
**M9** 1986 c. 31.  
**M10** 1986 c. 44.  
**M11** 1986 c. 45.  
**M12** 1987 c. 43.  
**M13** 1989 c. 29.  
**M14** 1991 c. 56.  
**M15** 1991 c. 57.  
**M16** 1958 c. 51.

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Act 1993, Section 145.