



Statistics of Trade Act 1947

1947 CHAPTER 39 10 and 11 Geo 6

9 Disclosure of information.

- (1) No individual estimates or returns, and no information relating to an individual undertaking, obtained under the foregoing provisions of this Act, shall, without the previous consent in writing of the person carrying on the undertaking which is the subject of the estimates, returns or information, be disclosed except—
- [^{F1}(a) where the estimates, returns or information are in the possession of a government department and the Minister in charge of the department so directs, to a government department or the Scottish Ministers for the purposes of the exercise by the department or, as the case may be, the Scottish Ministers of any of their functions,
 - (aa) where the estimates, returns or information are in the possession of the Scottish Administration and the Scottish Ministers so direct, to a government department for the purposes of the exercise by the department of any of their functions,]
 - (b) for the purposes of any proceedings for an offence under this Act or any report of those proceedings.
- (2) If any information to be obtained for the purposes of a census under this Act is also obtainable under any other enactment which restricts the disclosure of information obtained thereunder, and the Board of Trade are of opinion that similar restrictions should be applied to any information to be obtained for the purposes of the census, the Board shall by order provide for the application, without modifications or with such adaptations or modifications as the Board think fit, of those restrictions to the information to be so obtained, or any part thereof, in addition to the restrictions imposed by this section.
- (3) Without prejudice to the provisions of the last foregoing subsection, if it appears to the Board of Trade that—
- (a) the nature of the information to be obtained for the purposes of a census under this Act, or
 - (b) the nature of the undertakings to be covered by the census,
- would make it desirable to impose restrictions on the disclosure of information obtained by means of the census additional to the restrictions imposed by this section,

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the Board of Trade may by order prohibit the disclosure of information relating to particular undertakings obtained by means of the census, or any part of that information, except to such persons or for such purposes as may be specified in the order.

- (4) No order shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.
- (5) The following provisions shall have effect with respect to any report, summary or other communication to the public of information obtained under the foregoing provisions of this Act—
- (a) no such report, summary or communication shall disclose the number of returns received with respect to the production of any article if that number is less than five;
 - (b) in compiling any such report, summary or communication the competent authority shall so arrange it as to prevent any particulars published therein from being identified as being particulars relating to any individual person or undertaking except with the previous consent in writing of that person or the person carrying on that undertaking, as the case may be; but this provision shall not prevent the disclosure of the total quantity or value of any articles produced, sold or delivered; so, however, that before disclosing any such total the competent authority shall have regard to any representations made to them by any person who alleges that the disclosure thereof would enable particulars relating to him or to an undertaking carried on by him to be deduced from the total disclosed.

[^{F2}(5A) In subsection (5)(b) of this section the references to the total quantity or value of any articles produced, sold or delivered shall, in relation to coal of any particular description, include a reference to each of the following, that is to say—

- (a) the total quantity or value of the coal of that description which is consumed in Great Britain by persons who carry on coal-mining operations;
- (b) the total quantity or value of the coal of that description which, in Great Britain, is held as stocks by such persons; and
- (c) the total quantity or value of the coal of that description which is delivered in Great Britain to persons who appear to the competent authority to be all of the same description;

and in this subsection “coal” means coal within the meaning of the Coal Industry Act 1994 or any product of coal and “coal-mining operations” has the same meaning as in that Act.]

- (6) If any person discloses any individual estimates or returns or any information contrary to the provisions of this section, or of any order made under this section, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or, in either case, to both such imprisonment and such a fine.

Textual Amendments

- F1** S. 9(1)(a)(aa) substituted for s. 9(1)(a) (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 18** (with art. 5)
- F2** S. 9(5A) inserted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 3** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

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Modifications etc. (not altering text)

- C1** S. 9 excluded (S.) (1.4.1991) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), **s. 12(2)**
- C2** S. 9 excluded by Employment and Training Act 1973 (c. 50), **s. 4(3)**, Health and Safety at Work etc. Act 1974 (c. 37), **s. 27(2)**, Welsh Development Agency Act 1975 (c. 70), **s. 24(6)**, Employment Protection Act 1975 (c. 71), **Sch. 1 Pt. I para. 12** and Development of Rural Wales Act 1976 (c. 75), **s. 17(1)**
- C3** S. 9 excluded (16. 10. 1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), **ss. 247(5), 302**
- C4** Certain functions of the Secretary of State transferred by S.I. 1989/992, **art. 2(1)(2)**

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