



Estate Agents Act 1979

1979 CHAPTER 38

Information, entry and inspection

10 Restriction on disclosure of information.

- (1) Subject to subsections (3) to (5) below, no information obtained under or by virtue of this Act about any individual shall be disclosed without his consent.
- (2) Subject to subsections (3) to (5) below, no information obtained under or by virtue of this Act about any business shall be disclosed except, so long as the business continues to be carried on, with the consent of the person for the time being carrying it on.
- (3) Subsections (1) and (2) above do not apply to any disclosure of information made—
 - (a) for the purpose of facilitating the performance of any functions under this Act, the ^{M1}Trade Descriptions Act 1968, the ^{M2}Fair Trading Act 1973, the ^{M3}Consumer Credit Act 1974 ^{F1} . . . [^{F2} or the ^{M4}Competition Act 1980][^{F3} or the Telecommunications Act 1984][^{F4} or the Gas Act 1986][^{F5} or the Airports Act 1986][^{F6} or the Consumer Protection Act 1987][^{F7} or the Water Act 1989] [^{F8} the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991)] [^{F9} or the Electricity Act 1989][^{F10} or the Electricity (Northern Ireland) Order 1992][^{F11} or the Gas (Northern Ireland) Order 1996][^{F12} or Part IV of the Airports (Northern Ireland) Order 1994][^{F13} or the Control of Misleading Advertisements Regulations 1988][^{F14} or the Courts and Legal Services Act 1990][^{F15} or the Railways Act 1993][^{F16} or the Coal Industry Act 1994][^{F17} or the Competition Act 1998][^{F18} or Part I of the Transport Act 2000][^{F19} or the Consumer Protection (Northern Ireland) Order 1987] of any Minister of the Crown, any Northern Ireland department, the Director [^{F3} the Director General of Telecommunications,][^{F4} the Director General of Gas Supply,][^{F5} the Civil Aviation Authority,][^{F7} the Director General of Water Services,][^{F9} the Director General of Electricity Supply,][^{F10} the Director General of Electricity Supply for Northern Ireland][^{F11} or the Director General of Gas for Northern Ireland][^{F15} the Rail Regulator][^{F20} the Authorised Conveyancing Practitioners Board, the Coal Authority] or a local weights and measures authority in Great Britain, or

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- (b) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings, or
 - (c) for the purposes of any civil proceedings brought under or by virtue of this Act or any of the other enactments [^{F21}or subordinate legislation]specified in paragraph (a) above.
- (4) For the purpose of enabling the Director to use, in connection with his functions under this Act, information obtained by him in the exercise of functions under certain other enactments, the following amendments shall be made in provisions restricting disclosure of information . . . ^{F22}
- (5) Nothing in subsections (1) and (2) above shall be construed—
- (a) as limiting the particulars which may be entered in the register; or
 - (b) as applying to any information which has been made public as part of the register.
- (6) Any person who discloses information in contravention of this section shall be liable on summary conviction to a fine not exceeding the statutory maximum and, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or both.

Textual Amendments

- F1** Words in s. 10(3)(a) repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 3(a), **Sch. 14 Pt. 1** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F2** Words added by **Competition Act 1980** (c. 21, SIF 124:1), s. 19(4)(f)
- F3** Words inserted by **Telecommunications Act 1984** (c. 12, SIF 96), s. 109(1), Sch. 4 para. 72, **Sch. 5 para. 45**
- F4** Words inserted (E.W.S.) by **Gas Act 1986** (c. 44, SIF 44:2), s. 67(1), **Sch. 7 para. 27**
- F5** Words inserted by **Airports Act 1986** (c. 31, SIF 9), s. 83(1), **Sch. 4 para. 6**
- F6** Words inserted by **Consumer Protection Act 1987** (c. 43, SIF 109:1), s. 48(1), **Sch. 4 para. 6**
- F7** Words inserted (E.W.) by **Water Act 1989** (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 57**
- F8** Words in s. 10(3)(a) inserted (E.W.)(1.12.1991) by **Water Consolidation (Consequential Provisions) Act 1991** (c. 60, SIF 130), ss. 2, 4(2), **Sch. 1 para. 33**
- F9** Words inserted (E.W.S.) by **Electricity Act 1989** (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 24**
- F10** Words in s. 10(3)(a) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 20**; S.R. 1992/117, **art. 3(1)**.
- F11** Words in s. 10(3)(a) inserted (N.I.) (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**
- F12** Words in s. 10(3)(a) inserted (N.I.) (1.9.1995) by S.I. 1994/426 (N.I. 1), art. 71(2), **Sch. 9 para. 7** (with art. 16); S.R. 1995/294, **art. 2**
- F13** Words inserted by S.I. 1988/915, **art. 7(6)(d)(i)**
- F14** Words inserted (*prosp.*) by **Courts and Legal Services Act 1990** (c. 41, SIF 37), ss. 124(3), 125(3), **Sch. 18 para. 22(1)(a)**
- F15** Words in s. 10(3)(a) inserted (6.1.1994) by 1993 c. 43, s. 152(1), **Sch. 12 para. 11** (with s. 150(1)(o)); S.I. 1993/3237, **art. 2(2)**.
- F16** Words in s. 10(3) inserted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 21** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**
- F17** Words in s. 10(3)(a) inserted (11.1.1999) by 1998 c. 41, s. 74(1), **Sch. 12 para. 3(b)** (with s. 73); S.I. 1998/3166, **art. 2, Sch.**
- F18** Words in s. 10 inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 16**
- F19** Words inserted by S.I. 1987/2049 (N.I. 20), art. 35(1), **Sch. 3 para. 4**

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F20 Words substituted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 21** (with ss. 40(7), 66); S.I. 1994/2553, **art. 2**

F21 Words inserted by S.I. 1988/915, **art. 7(6)(d)(ii)**

F22 Words at end of s. 10(4) were omitted from Statutes in Force, they amend Fair Trading Act 1973 (c. 41), **s. 133(2)(a)**, Consumer Credit Act 1974 (c. 39), **s. 174(3)(a)** and Restrictive Trade Practices Act 1976 (c. 34), **s. 41(1)(a)**

Modifications etc. (not altering text)

C1 S. 10(3): disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2)(a), **Sch. 4 Pt. I para. 17**

Marginal Citations

M1 1968 c. 29(**109:1**).

M2 1973 c. 41(**124:1**).

M3 1974 c. 39(**60**).

M4 1980 c. 21(**124:1**).

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