

Changes to legislation: Energy Act 2013, PART 2 is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 9

DISCLOSURE OF INFORMATION

PART 2

OFFENCES RELATING TO DISCLOSURE AND USE OF PROTECTED INFORMATION

Prohibition on disclosing protected information

- 2 Protected information must not be disclosed—
- (a) by the original holder of the information, or
 - (b) by any other person holding it who has received it directly or indirectly from the original holder by virtue of a disclosure, or disclosures, in accordance with this Schedule,
- except in accordance with Part 3 of this Schedule.

Modifications etc. (not altering text)

- C1** Sch. 9 para. 2 excluded by SI 2005/2042 reg. 54A (as inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 3 para. 192](#) (with Sch. 4))

Commencement Information

- II** Sch. 9 para. 2 in force at 1.4.2014 by [S.I. 2014/251](#), [art. 4](#)

Offence of disclosing protected information in contravention of paragraph 2

- 3 It is an offence for a person to disclose information in contravention of paragraph 2.

Modifications etc. (not altering text)

- C2** Sch. 9 para. 3 modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), Sch. 1 para. 5(4)[Sch. 1 para. 5\(5\)\(d\)](#) (with Sch. 1 paras. 6, 4)

Commencement Information

- I2** Sch. 9 para. 3 in force at 1.4.2014 by [S.I. 2014/251](#), [art. 4](#)

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Offence of using protected information in contravention of a restriction in Part 3

- 4 It is an offence for a person to use protected information in contravention of a restriction under paragraph 10(3), 11(2), 12(2), 13(2), 14(2) or 15(2).

Modifications etc. (not altering text)

- C3** Sch. 9 para. 4 modified (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), Sch. 1 para. 5(4) **Sch. 1 para. 5(5)(d)** (with Sch. 1 paras. 6, 4)

Commencement Information

- I3** Sch. 9 para. 4 in force at 1.4.2014 by [S.I. 2014/251](#), **art. 4**

Defence to offences under paragraphs 3 and 4

- 5 It is a defence for a person charged with an offence under paragraph 3 or 4 to prove—
- (a) that the person did not know and had no reason to suspect that the information was protected information, or
 - (b) that the person took all reasonable precautions and exercised all due diligence to avoid committing the offence.

Commencement Information

- I4** Sch. 9 para. 5 in force at 1.4.2014 by [S.I. 2014/251](#), **art. 4**

Penalty for offences under paragraphs 3 and 4

- 6 (1) A person who commits an offence under paragraph 3 or 4 is liable—
- (a) on summary conviction—
 - (i) to imprisonment for a term not exceeding 12 months (in England and Wales or Scotland) or 6 months (in Northern Ireland),
 - (ii) to a fine (in England and Wales) or a fine not exceeding the statutory maximum (in Scotland or Northern Ireland), or
 - (iii) to both;
 - (b) on conviction on indictment—
 - (i) to imprisonment for a term not exceeding 2 years,
 - (ii) to a fine, or
 - (iii) to both.

[^{F1}(2) In the application of this paragraph in England and Wales, the reference in subparagraph (1)(a)(i) to 12 months is to be read as a reference to the general limit in a magistrates' court (or to 6 months in relation to an offence committed before 2 May 2022).]

Textual Amendments

- F1** Sch. 9 para. 6(2) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), **26(7)**

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I5 [Sch. 9 para. 6](#) in force at 1.4.2014 by [S.I. 2014/251](#), [art. 4](#)

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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):

- s. 68(4) inserted by [2023 c. 52 s. 302\(4\)](#)