



Industrial Organisation and Development Act 1947

1947 CHAPTER 40 10 and 11 Geo 6

Development Councils

5 Restriction on disclosure of information.

- (1) A development council order shall make provision for ensuring that, where under powers conferred by virtue of either of the two last preceding sections a requirement is imposed to furnish returns or other information relating to an individual business or to produce for examination books or other documents or records, the returns or other information shall be furnished to, or the examination done by, independent members of the council (or, if the order so provides, independent members of the council designated thereby, or by the Board or Minister concerned, to the exclusion of the others) or to or by officers of the council specially authorised in that behalf.
- (2) Returns or other information furnished subject to provision made under the preceding subsection and information obtained on an examination so done shall not, without the consent of the person carrying on the business to which the returns or information or the books or other documents or records relate, be disclosed otherwise than—
 - (a) in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to any individual business to be ascertained therefrom;
 - (b) to independent members of the council (or, if independent members are designated under the preceding subsection, to those members) or to officers of the council authorised as aforesaid;
 - (c) to, or to an officer of, the Board or Minister concerned; or
 - (d) to, or to an officer of, the Board of Trade in connection with the execution or for the purposes of any enactment passed in the same session as this Act for enabling government departments to obtain more readily information necessary for the appreciation of economic trends and for the discharge of their functions:

Changes to legislation: There are currently no known outstanding effects for the Industrial Organisation and Development Act 1947, Section 5. (See end of Document for details)

Provided that the preceding provisions of this subsection shall not apply to any disclosure of information made for the purposes of any legal proceedings (whether civil or criminal, and including arbitrations) pursuant to this Act, or for the purposes of any report of any such proceedings as aforesaid.

- (3) If any person discloses any information in contravention of the last preceding subsection, 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 one hundred pounds, or, in either case, to both such imprisonment and such a fine.

[^{F1}(3A) Subsections (2) and (3) do not apply to disclosure—

- (a) by a development council established in relation to an industry whose activities include an agricultural activity;
- (b) to, or to an officer of, Natural England;
- ^{F2}(c)
- (d) to, or to an officer of, the Joint Nature Conservation Committee;
- (e) to, or to an officer of, a body specified in Schedule 7 to the Natural Environment and Rural Communities Act 2006;
- (f) to, or to an officer of, a board established under Chapter 2 of Part 8 of the 2006 Act.]

- (4) A development council order shall make provision for ensuring that, where under powers conferred by virtue of either of the two last preceding sections a requirement is imposed to furnish returns or other information relating to an individual business or to produce for examination books or other documents or records, and the person on whom the requirement is made uses in his business what he claims to be a secret process that ought not to be disclosed on the ground of risk of prejudice to his business, he shall not be subject to any liability for withholding disclosure of any particulars relating to the process unless the form of the requirement and the making of it in that form have been approved by the Board or Minister concerned after consideration of his claim.

Textual Amendments

- F1** S. 5(3A) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 4](#); [S.I. 2006/2541](#), art. 2 (with Sch.)
- F2** S. 5(3A)(c) repealed (1.4.2013) by [The Public Bodies \(Abolition of the Commission for Rural Communities\) Order 2012 \(S.I. 2012/2654\)](#), art. 1(4), [Sch.](#)
-

Modifications etc. (not altering text)

- C1** S. 5 extended by [Cotton Industry Act 1959 \(c. 48\)](#), s. 1(6)

Changes to legislation:

There are currently no known outstanding effects for the Industrial Organisation and Development Act 1947, Section 5.