

---

STATUTORY INSTRUMENTS

---

**2011 No. 2704**

**The Electricity and Gas (Internal Markets) Regulations 2011**

**PART 7**

**Regulatory authority**

*Consultation and cooperation*

**Confidentiality requirements in respect of cross-border exchanges of information**

**36.**—(1) The Utilities Act 2000 <sup>M1</sup> is amended as follows.

(2) In section 105 (general restrictions on disclosure of information), after subsection (11A) <sup>M2</sup> insert—

“(11B) Nothing in this section applies to information to which section 105A applies.”.

(3) After section 105 insert—

**“105A Restrictions on disclosure in respect of cross-border exchanges of information**

(1) This section applies to any information provided to the Authority—

- (a) for the purpose of enabling it to carry out its functions as designated regulatory authority for Great Britain; and
- (b) by the designated regulatory authority for Northern Ireland or for another Member State (“the originating authority”) in accordance with Article 38(1) of the Electricity Directive or Article 42(1) of the Gas Directive.

(2) The Authority may disclose information to which this section applies only if—

- (a) the originating authority has confirmed in writing that the originating authority would be permitted to disclose the information in the circumstances in question; and
- (b) the Authority would be permitted under section 105 to disclose the information if it was received under or by virtue of an enactment listed in subsection (1) of that section.

(3) Subsection (1) applies whether the information is provided directly or indirectly by the originating authority.”.

---

**Marginal Citations**

**M1** 2000 c. 27.

**M2** Subsection (11A) of section 105 was inserted by section 63(1) of, and paragraphs 18 and 20(d) of Schedule 7 to, the [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#). Other amendments have been made to section 105 that are not relevant for these purposes.

**Changes to legislation:**

There are currently no known outstanding effects for the The Electricity and Gas (Internal Markets) Regulations 2011, Section 36.