



Employment Rights Act 1996

1996 CHAPTER 18

PART XIII

MISCELLANEOUS

CHAPTER II

OTHER MISCELLANEOUS MATTERS

Restrictions on disclosure of information

202 National security.

- (1) Where in the opinion of any Minister of the Crown the disclosure of any information would be contrary to the interests of national security—
 - (a) nothing in any of the provisions to which this section applies requires any person to disclose the information, and
 - (b) no person shall disclose the information in any proceedings in any court or tribunal relating to any of those provisions.
- (2) This section applies to—
 - (a) Part I, so far as it relates to employment particulars,
 - (b) in Part V, [^{F1}sections [^{F2}43M,] 44, 45A [^{F3}, 47 and 47C]], and sections 48 and 49 so far as relating to those sections,
 - (c) in Part VI, sections [^{F4}55 to 57B] and 61 to 63,
 - (d) in Part VII, sections 66 to 68, and sections 69 and 70 so far as relating to those sections,
 - (e) Part VIII,
 - [^{F5}(ea) Part 8B,]
 - (f) in Part IX, sections 92 and 93 where they apply by virtue of section 92(4),
 - (g) Part X so far as relating to a dismissal which is treated as unfair—

Changes to legislation: Employment Rights Act 1996, Cross Heading: Restrictions on disclosure of information is up to date with all changes known to be in force on or before 21 May 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

- [^{F6}(i) by section [^{F7}98B,] 99, 100, 101A(d) or 103, or by section 104 in its application in relation to time off under section 57A,]
 (ii) by subsection (1) of section 105 by reason of the application of subsection [^{F8}(2A),] (3) or (6) of that section, [^{F9}or by reason of the application of subsection (4A) in so far as it applies where the reason (or, if more than one, the principal reason) for which an employee was selected for dismissal was that specified in section 101A(d)] and
 (h) this Part and Parts XIV and XV (so far as relating to any of the provisions in paragraphs (a) to (g)).

Textual Amendments

- F1** Words in s. 202(2)(b) substituted (1.10.1998) by S.I. 1998/1833, **reg. 31(5)**
F2 Word in s. 202(2)(b) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 39(2)**; S.I. 2005/872, **arts. 4, 5**, Sch. (subject to arts. 6-12)
F3 Words in s. 202(2)(b) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 36(a)**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
F4 Words in s. 202(2)(c) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 36(b)**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
F5 S. 202(2)(ea) inserted (4.12.2023) by Carer's Leave Act 2023 (c. 18), s. 3(3), **Sch. para. 14**; S.I. 2023/1283, **reg. 2**
F6 S. 202(2)(g)(i) substituted (15.12.1999) by 1999 c. 26, s. 9, **Sch. 4 Pt. III para. 36(c)**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 paras. 10, 11)
F7 Words in s. 202(2)(g)(i) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 39(3)(a)**; S.I. 2005/872, **arts. 4, 5**, Sch. (subject to arts. 6-12)
F8 Words in s. 202(2)(g)(ii) substituted (6.4.2005) by Employment Relations Act 2004 (c. 24), ss. 57(1), 59(2)-(4), **Sch. 1 para. 39(3)(b)**; S.I. 2005/872, **arts. 4, 5**, Sch. (subject to arts. 6-12)
F9 Words in s. 202(2)(g)(ii) inserted (1.10.1998) by S.I. 1998/1833, **reg. 32(6)(b)**

Changes to legislation:

Employment Rights Act 1996, Cross Heading: Restrictions on disclosure of information is up to date with all changes known to be in force on or before 21 May 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.

[View outstanding changes](#)

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):

- Pt. 8 Ch. 5 inserted by [2023 c. 20 Sch. para. 2](#)
- Pt. 8A Ch. 1 heading inserted by [2023 c. 46 s. 1\(3\)](#)
- Pt. 8A Ch. 2 inserted by [2023 c. 46 s. 1\(4\)](#)
- Pt. 8A Ch. 3 inserted by [2023 c. 46 s. 2](#)
- Pt. 8A Ch. 4 inserted by [2023 c. 46 s. 3\(2\)](#)
- s. 43K(1)(ca) and word omitted by [2013 c. 24 s. 20\(5\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 43K(2)(ba) omitted by [2013 c. 24 s. 20\(6\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 47C(2)(cc) inserted by [2023 c. 20 Sch. para. 22](#)
- s. 47H inserted by [2020 c. 7 Sch. 7 para. 9](#)
- s. 47AA inserted by [2008 c. 25 s. 37](#)
- s. 47EA inserted by [2023 c. 46 Sch. para. 4](#)
- s. 47EB inserted by [2023 c. 46 Sch. para. 5](#)
- s. 48(1C) inserted by [2020 c. 7 Sch. 7 para. 10\(a\)](#)
- s. 48(1C) inserted by [2023 c. 46 Sch. para. 6\(2\)](#)
- s. 48(1D) inserted by [2023 c. 46 Sch. para. 6\(3\)](#)
- s. 49(8) inserted by [2020 c. 7 Sch. 7 para. 11\(b\)](#)
- s. 49(8) inserted by [2023 c. 46 Sch. para. 7\(4\)](#)
- s. 49C inserted by [2017 c. 16 s. 32\(4\)](#)
- s. 75I(3)(g) and word inserted by [2023 c. 20 Sch. para. 23\(b\)](#)
- s. 80C(2)(bc) inserted by [2023 c. 20 Sch. para. 24\(2\)](#)
- s. 80C(4)(bc) inserted by [2023 c. 20 Sch. para. 24\(3\)](#)
- s. 80EB(2)(f) and word inserted by [2023 c. 20 Sch. para. 25\(b\)](#)
- s. 99(3)(cc) inserted by [2023 c. 20 Sch. para. 28](#)
- s. 101B inserted by [2008 c. 25 s. 38](#)
- s. 104H inserted by [2020 c. 7 Sch. 7 para. 14](#)
- s. 104CA inserted by [2023 c. 46 Sch. para. 9](#)
- s. 105(4B) inserted by [2008 c. 25 s. 39\(3\)](#)
- s. 105(7BC) inserted by [2020 c. 7 Sch. 7 para. 15](#)
- s. 105(7BAA) inserted by [2023 c. 46 Sch. para. 10](#)
- s. 108(3)(gia) inserted by [2023 c. 46 Sch. para. 11](#)
- s. 108(3)(de) inserted by [2008 c. 25 s. 39\(4\)](#)
- s. 108(3)(gn) inserted by [2020 c. 7 Sch. 7 para. 16](#)
- s. 110(3A) inserted by [2002 c. 22 s. 44](#)
- s. 205A(2)(ba) inserted by [2023 c. 46 Sch. para. 16\(2\)](#)
- s. 205A(8A) inserted by [2023 c. 46 Sch. para. 16\(3\)](#)
- s. 225(7)(8) inserted by [2023 c. 46 Sch. para. 17](#)
- s. 227(1)(zb)(zc) inserted by [2023 c. 46 Sch. para. 18](#)