

2020 No. 106

ENERGY

The Utilities Act 2000 (Amendment of Section 105) Order 2020

Made - - - - - 29th January 2020

Laid before Parliament 4th February 2020

Coming into force - - - 10th March 2020

The Secretary of State makes the following Order in exercise of the powers conferred by section 105(7) of the Utilities Act 2000(a).

Citation and commencement

1. This Order may be cited as the Utilities Act 2000 (Amendment of Section 105) Order 2020 and comes into force on 10th March 2020.

Amendment of the Utilities Act 2000

2.—(1) In section 105(3)(b) of the Utilities Act 2000 (general restrictions on disclosure of information), after paragraph (b) insert—

“(ba) it is a protected disclosure for the purposes of the Employment Rights Act 1996(c) (and for the purposes of ascertaining whether it is a protected disclosure, subsection (9) is to be disregarded);”.

(2) In section 105(4)(g)(d) of the Utilities Act 2000, for the words from “under” to the end substitute—

“—

- (i) under or by virtue of the 1986 Act, the 1989 Act, this Act or any Act or instrument specified in subsection (6), or
- (ii) in reliance on section 47B or 103A of the Employment Rights Act 1996;”.

29th January 2020

Kwasi Kwarteng
Minister of State for Business, Energy and Clean Growth
Department for Business, Energy and Industrial Strategy

(a) 2000 c. 27.

(b) Section 105(3) was amended by the Energy Act 2004 (c. 20), section 186(b); the Energy Act 2008 (c. 32), Schedule 5, paragraph 15(b); the Energy Act 2010 (c. 27), Schedule, paragraph 16(b); the Energy Act 2011 (c. 16), Schedule 1, paragraph 9; the Energy Act 2013 (c. 32), section 52(b); the Infrastructure Act 2015 (c. 7), section 51(9); the Scotland Act 2016 (c. 11), section 60(13); S.I. 2014/631; S.I. 2014/892; S.I. 2015/862 and S.I. 2019/931.

(c) 1996 c. 18.

(d) Section 105(4) was amended by the Anti-terrorism, Crime and Security Act 2001 (c. 24), section 17, Schedule 4, part 1, paragraph 52; the Financial Services Act 2012 (c. 21), Schedule 18, paragraph 89; S.I. 2001/3649; S.I. 2002/1555; S.I. 2008/960; S.I. 2013/1882; S.I. 2014/469; S.I. 2015/862 and S.I. 2019/530.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 105 of the Utilities Act 2000 imposes a general restriction on the disclosure of certain information, subject to a number of specified exemptions. This Order amends that provision to allow for a disclosure which is:

- a) a protected disclosure for the purposes of the Employment Rights Act 1996; or
- b) for the purposes of civil proceedings brought in reliance on section 47B (protected disclosure – protection from detriment) or 103A (protected disclosure – protection from unfair dismissal) of the Employment Rights Act 1996.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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£4.90

UK202002031007 02/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/106>

ISBN 978-0-11-119284-9



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