

2007 No. 2977

COMPETITION

CONSUMER PROTECTION

DISCLOSURE OF INFORMATION

The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2007

<i>Made</i> - - - -	<i>12th October 2007</i>
<i>Laid before Parliament</i>	<i>17th October 2007</i>
<i>Coming into force</i> - -	<i>15th November 2007</i>

The Secretary of State makes the following Order in exercise of the powers conferred upon him by sections 238(1)(c) and (5) and 241(6) of the Enterprise Act 2002(a).

Citation and commencement

1. This Order may be cited as the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2007 and shall come into force on 15th November 2007.

Amendment of the Enterprise Act 2002

2.—(1) The Enterprise Act 2002 is amended as follows—

(2) In Schedule 14 (specified functions)(b), after the entry relating to the Fireworks Act 2003 insert “Compensation Act 2006 (c.29).”.

(3) In Schedule 15 (enactments conferring functions)(c), after the entry relating to the Gambling Act 2005(d) insert—

“Compensation Act 2006 (c.29).

Wireless Telegraphy Act 2006 (c.36).”.

(a) 2002 c.40.

(b) Schedule 14 was amended by S.I. 2003/1400, 2003/2580 and the Consumers, Estate Agents and Redress Act 2007 (c.17). The entry relating to the Fireworks Act 2003 (c.22) was inserted by section 12(3) of that Act.

(c) Schedule 15 was amended by S.I. 2003/1400, 2006/2909, 2006/3336, 2007/2194 and the Communications Act 2003 (c.21), the Fireworks Act 2003 (c.22), the Water Act 2003 (c.37), the Railways Act 2005 (c.14) and the Consumers, Estate Agents and Redress Act 2007 (c.17).

(d) 2005 c.19.

Specified subordinate legislation

3. The Unfair Terms in Consumer Contracts Regulations 1999(a) are specified for the purposes of section 238(1) of the Enterprise Act 2002 (specified information).

12th October 2007

Gareth Thomas
Parliamentary Under Secretary of State for Trade and Consumer Affairs
Department for Business, Enterprise & Regulatory Reform

(a) S.I. 1999/2083, amended by S.I. 2001/1186, 2001/3649, 2003/3182, 2004/827, 2004/2095, 2006/523 and the Enterprise Act 2002 (c.40), the Railways and Transport Safety Act 2003 (c.20) and the Water Act 2003 (c.37).

EXPLANATORY NOTE

(This note is not part of the Order)

Part 9 of the Enterprise Act 2002 (“the Act”) restricts the disclosure of specified information which relates to the affairs of an individual or any business of an undertaking. Specified information, defined by section 238 of the Act, includes information which comes to a public authority in connection with the exercise of any function it has under an enactment specified in Schedule 14 or subordinate legislation specified for the purposes of section 238(1) by order of the Secretary of State. Section 241(3) of the Act provides that a public authority may disclose specified information which is restricted by Part 9 of the Act to another person, for the purposes of facilitating the exercise of functions the person has including functions under an enactment specified in Schedule 15.

Article 2 adds the Compensation Act 2006 to the enactments listed in Schedules 14 and 15 to the Act. It adds the Wireless Telegraphy Act 2006 to those enactments listed in Schedule 15. Article 3 specifies the Unfair Terms in Consumer Contracts Regulations 1999 (“the Regulations”) for the purposes of section 238(1) of the Act. The Regulations are already specified for the purposes of section 241(3) of the Act under the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003 (S.I. 2003/1400).

A full impact assessment has not been prepared for this instrument as it has no impact on the costs of business.

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