STATUTORY INSTRUMENTS

2024 No. 1291

COMPETITION

CONSUMER PROTECTION

DISCLOSURE OF INFORMATION

The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment) Order 2024

Made - - - -	*4th December 2024*
Laid before Parliament	*9th December 2024*
Coming into force in accordance with article 1	

The Secretary of State makes this Order in exercise of the powers conferred by sections 238(5) and (6) and 241(6) of the Enterprise Act 2002(**a**).

Citation, commencement and extent

1.—(1) This Order may be cited as the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment) Order 2024.

(2) Subject to paragraph (3), this Order comes into force on 1st January 2025.

(3) Article 2(3) so far as it inserts a reference to the Procurement Act 2023(**b**) comes into force on 24th February 2025.

(4) This Order extends to England and Wales, Scotland and Northern Ireland.

Amendment of the Enterprise Act 2002

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

(2) In Schedule 14 (specified functions)(**c**), at the appropriate place insert—

(**a**) 2002 c. 40. Section 241 was amended by section 55 of the Enterprise and Regulatory Reform Act 2013 (c. 24).
(**b**) 2023 c. 54.
(**c**) Schedule 14 was amended by section 12(3) of the Fireworks Act 2003 (c. 22), section 29(1) of the Consumers, Estate Agents and Redress Act 2007 (c. 17), paragraph 95(1) and (3) of Schedule 18 to the Financial Services Act 2012 (c. 21), section 21(4) of the Groceries Code Adjudicator Act 2013 (c. 19), paragraphs 67 and 81 of Schedule 6 to the Consumer Rights Act 2015 (c. 15), paragraph 26 of Schedule 1 to the Small Business, Enterprise and Employment Act 2015 (c. 26), section 41(10) of the United Kingdom Internal Market Act 2020 (c. 27), section 80(3) of the Subsidy Control Act 2022 (c. 23), section 48(7) of the Product Security and Telecommunications Infrastructure Act 2022 (c. 46), sections 109(1) and 317 of, and paragraph 6 of Schedule 28 to, the Digital Markets, Competition and Consumers Act 2024 (c. 13), S.I. 2003/1400, S.I. 2003/2580, S.I. 2007/2977, S.I. 2008/1277, S.I. 2010/2960, S.I. 2013/1575, S.I. 2014/892, S.I. 2015/1726 and S.I. 2018/1253.

"Articles 13A to 13E of the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4))(**a**).".

(3) In Schedule 15 (enactments conferring functions)(**b**), at the appropriate places insert—

"Bank of England Act 1998 (c. 11).";

"Banking Act 2009 (c. 1).";

"Schedule 11 to the Financial Services and Markets Act 2023 (c. 29).";

"Procurement Act 2023 (c. 54).".

Justin Madders
Parliamentary Under-Secretary of State for Employment Rights, Competition and Markets
Department for Business and Trade

4th December 2024

(**a**) Articles 13A to 13E were inserted by S.I. 2005/1454 (N.I. 9) and subsequently amended by section 99(2) of the Digital Markets, Competition and Consumers Act 2024, S.I. 2006/3336 (N.I. 21), S.I. 2014/892 and S.I. 2019/93.

(**b**) Schedule 15 was amended by paragraph 174(1) and (7) of Schedule 17 to the Communications Act 2003 (c. 21), section 12(3) of the Fireworks Act 2003, paragraph 36(1) and (4) of Schedule 7 to the Water Act 2003 (c. 37), paragraph 18(1) and (4) of Schedule 12 to the Railways Act 2005 (c. 14), section 29(2) of the Consumers, Estate Agents and Redress Act 2007, paragraphs 163 and 166 of Schedule 12 to the Postal Services Act 2011 (c. 5), paragraphs 13 and 15 of Schedule 9 to the Civil Aviation Act 2012 (c. 19), section 21(4) of the Groceries Code Adjudicator Act 2013, paragraph 39 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013, paragraph 35 of Schedule 4 to the Consumer Rights Act 2015, paragraph 28(6) of Schedule 23 to the Deregulation Act 2015 (c. 20), paragraph 26 of Schedule 1 to the Small Business, Enterprise and Employment Act 2015, section 118 of the Online Safety Act 2023 (c. 50), section 109(2) of, and paragraph 7 of Schedule 28 to, the Digital Markets, Competition and Consumers Act 2024, S.I. 2003/1400, S.I. 2006/2909, S.I. 2006/3336 (N.I. 21), S.I. 2007/2194, S.I. 2007/2977, S.I. 2009/1941, S.I. 2010/2960, S.I. 2011/2491, S.I. 2013/1575, S.I. 2014/469, S.I. 2014/892, S.I. 2014/2807, S.I. 2015/1726, S.I. 2015/1911, S.I. 2017/506, S.I. 2017/752 and S.I. 2018/1253.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the lists of enactments in Schedules 14 and 15 to the Enterprise Act 2002 (c. 40) ("the Act").

Part 9 of 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 in 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.

Section 241(3) of the Act provides that a public authority may disclose specified information to another person for the purposes of facilitating the exercise of any function that person has under or by virtue of, amongst other things, enactments specified in Schedule 15.

Article 2(2) amends the list of enactments in Schedule 14 to include articles 13A to 13E of the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)) which relates to the disqualification of directors of companies registered in Northern Ireland in connection with competition infringements. Article 2(2) therefore ensures that information which comes to a public authority in connection with its functions under those articles is subject to the general restriction on disclosure of specified information in Part 9 of the Act, unless its disclosure is permitted under one of the disclosure gateways in that Part.

Article 2(3) amends the list of enactments in Schedule 15 to include the Bank of England Act 1998 (c. 11), the Banking Act 2009 (c. 1) and Schedule 11 to the Financial Services and Markets Act 2023 (c. 29), all of which confer functions on the Bank of England. It also adds the Procurement Act 2023 (c.54) which confers functions in relation to the public procurement regime in the United Kingdom and contains provisions regarding the exclusion of suppliers in connection with infringements or potential infringements of competition law. Article 2(3) therefore enables a public authority which holds specified information, the disclosure of which is restricted by Part 9 of the Act, to disclose that information to the Bank of England or contracting authorities under the Procurement Act 2023, for example, for the purpose of facilitating the exercise by them of functions under those enactments.

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

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