EXPLANATORY MEMORANDUM TO

THE FINANCIAL TRANSPARENCY (EC DIRECTIVE) (AMENDMENT) REGULATIONS 2011

2011 No. 1275

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments ("JCSI").

2. Purpose of the instrument

2.1 These Regulations are being made to address issues raised by the JCSI in relation to the Financial Transparency (EC Directive) Regulations 2009 (SI 2009/2331). The JCSI raised four issues on SI 2009/2331 in its First Report of Session 2009 – 2010; these Regulations remedy the errors identified.

2.2 The procedure for free issue of these Regulations has been applied and these Regulations are being issued free of charge to all known recipients of SI 2009/2331.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 These Regulations are made been in response to the First JCSI Report of Session 2009 – 2010.

4. Legislative Context

4.1 SI 2009/2331 implemented Commission Directive 2006/111/EC of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on transparency within certain undertakings.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The amendments which these Regulations make to SI 2009/2331 are necessary to amend drafting errors identified by the JCSI.

- Consolidation

7.2 N/A

8. Consultation outcome

8.1 N/A

9. Guidance

9.1 As these Regulations are amending drafting errors in an earlier statutory instrument, no guidance is necessary.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument as the Regulations will have no impact on the private or voluntary sector and no public sector impacts are foreseen.

11. Regulating small business

11.1 The legislation applies to small business, however, in reality, small businesses are not entrusted with services of general economic interest and are not public undertakings and so will not, in practice, be covered by these Regulations.

12. Monitoring & review

12.1 N/A

13. Contact

Katherine Willerton at the Department for Business, Innovation and Skills Tel: 020 7215 1022 or email: Katherine.willerton@bis.gsi.gov.uk can answer any queries regarding the instrument.