

2003 No. 2580

**COMPETITION
CONSUMER PROTECTION
DISCLOSURE OF INFORMATION**

**The Enterprise Act 2002 (Part 9 Restrictions on Disclosure
of Information) (Amendment and Specification) (No. 2)
Order 2003**

<i>Made</i> - - - - -	<i>2nd October 2003</i>
<i>Laid before Parliament</i>	<i>8th October 2003</i>
<i>Coming into force</i> - -	<i>31st October 2003</i>

The Secretary of State, in exercise of the powers conferred upon her by section 238(5) of the Enterprise Act 2002(a), hereby makes the following Order:

1. This Order may be cited as the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) (No.2) Order 2003 and shall come into force on 31st October 2003.
2. In this Order, “the Act” means the Enterprise Act 2002.
3. Schedule 14 to the Act (specified functions) is amended in accordance with the Schedule to this Order.

Gerry Sutcliffe,
Parliamentary Under-Secretary of State for
Employment Relations, Competition and Consumers,
Department of Trade and Industry

2nd October 2003

(a) 2002 c. 40.

SCHEDULE

Article 3

1. Schedule 14 to the Act is amended as follows.
2. After the entry relating to the “Consumer Credit Act 1974 (c. 39)” there is inserted:
“Customs and Excise Management Act 1979 (c. 12).”.
3. After the entry relating to the “Clean Air Act 1993 (c. 11)”**(a)** there is inserted:
“Value Added Tax Act 1994 (c. 23).”.

(a) Inserted by Article 3 of, and paragraph 6 of the first Schedule to, the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003, S.I. 2003/1400.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 9 of the Enterprise Act 2002 (the “Act”) creates a new gateway and sets out general restrictions and conditions for the disclosure of specified information held by public authorities.

Section 241 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 he has under or by virtue of the Act itself, enactments specified in Schedule 15 to the Act or such subordinate legislation as specified by Order of the Secretary of State.

Section 238 of the Act defines “specified information” for the purposes of Part 9 of the Act. “Specified information” is information which comes to a public authority in connection with the exercise of any function it has under or by virtue of, amongst other things, enactments specified in Schedule 14 and such subordinate legislation as specified by Order of the Secretary of State. “Specified information” is subject to the restrictions and permitted disclosures set out in Part 9 of the Act.

This Order amends the list of enactments in Schedule 14 to the Act to include the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994, both of which confer functions on Her Majesty’s Customs and Excise. An enactment specified in Schedule 14 is taken to include subordinate legislation made under the enactment whether made solely under that enactment or jointly under that enactment and another enactment.

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