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STATUTORY INSTRUMENTS

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**2016 No. 695 (C. 49)**

**EMPLOYMENT AND TRAINING  
ENTERPRISE, ENGLAND AND WALES  
REGULATORY REFORM**

The Enterprise Act 2016  
(Commencement No. 1) Regulations 2016

Made - - - - 29th June 2016

The Secretary of State, in exercise of the powers conferred by section 44(5) and (6) of the Enterprise Act 2016<sup>(1)</sup>, makes the following Regulations.

**Citation and interpretation**

1.—(1) These Regulations may be cited as the Enterprise Act 2016 (Commencement No. 1) Regulations 2016.

(2) In these Regulations, “the Act” means the Enterprise Act 2016.

**Provisions coming into force on 4th July 2016**

2. The following provisions of the Act come into force on 4th July 2016—

- (a) section 26 (apprenticeships: information sharing); and
- (b) section 27 (apprenticeship funding).

**Provisions coming into force on 1st October 2016**

3. The following provisions of the Act come into force on 1st October 2016—

- (a) section 17 (power of Welsh Ministers to apply regulators’ principles and code of practice);
- (b) section 19 (secondary legislation: duty to review); and
- (c) section 21 (devolved Welsh matters).

**Provisions coming into force on the day after the day on which the Pubs Code etc. Regulations 2016 are made**

4. The following provisions of the Act come into force on the day after the day on which the Pubs Code etc. Regulations 2016<sup>(2)</sup> are made—

- (a) section 39 (market rent only option: rent assessments etc); and
- (b) section 40 (reports on avoidance).

29th June 2016

*Anna Soubry*  
Minister of State for Small Business, Industry  
and Enterprise  
Department for Business, Innovation and Skills

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(2) Draft regulations laid before Parliament on 13th June 2016.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These are the first commencement regulations made under the Enterprise Act 2016 (c.12) (“the Act”). Certain provisions came into force on the passing of the Act.

Regulation 2 commences section 26 of the Act on 4th July 2016. Section 26 inserts sections 40A to 40D into the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) (“the 2009 Act”). Section 40A of the 2009 Act will establish data sharing gateways to enable HMRC and the Secretary of State to exchange information to facilitate the administration of apprenticeships. Section 40B of the 2009 Act will enable HMRC and devolved authorities to exchange similar information. Section 40C of the 2009 Act introduces a criminal sanction for wrongful disclosure (under section 19 of the Commissioners for Revenue and Customs Act 2005 (c.11)) of data obtained under the gateways.

Regulation 2 also commences section 27 of the Act on 4th July 2016. Section 27 amends section 100(1A) of the 2009 Act, which sets out the full range of apprenticeships in England that can be funded by the Secretary of State.

Regulation 3 commences provisions of the Act on 1st October 2016 that:

- amend section 24 of the Legislative and Regulatory Reform Act 2006 (c.51) to ensure that the power to make orders relating to the Regulators’ Code is divided between Welsh Ministers and the Minister of the Crown along the lines of devolved competence;
- amend section 30 of the Small Business, Enterprise and Employment Act 2015 (c.26) (“the SBEE Act”) to clarify the obligation to conduct a statutory review of secondary legislation implementing an EU obligation or other international obligation of the United Kingdom that impacts on business; and
- amend the Regulatory Enforcement and Sanctions Act 2008 (c.13) to ensure that functions exercisable by the Secretary of State and the Welsh Ministers are divided along the lines of devolved competence.

Regulation 4 commences provisions in the Act on the day after the day on which the Pubs Code etc. Regulations 2016 are made. Section 39 of the Act amends section 43 of the SBEE Act to ensure that under the Pubs Code tied tenants will be entitled to request a Market Rent Only option at rent assessment whether the tied rent they are offered decreases, increases or doesn’t change. Section 40 of the Act inserts a new section 71A into the SBEE Act which requires the Pubs Code Adjudicator to report to the Secretary of State where pub-owning businesses have unfairly taken steps to avoid the operation of provisions made by or under Part 4 of that Act to the detriment of their tenants.