
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the list of enactments in Schedules 14 and 15 to the Enterprise Act 2002 (“the Act”), in particular to include Northern Ireland legislation. It adds to Schedule 14 enactments which refer to disclosure provisions repealed and replaced by Part 9, and thereby brings such enactments within the provisions of Part 9. An enactment specified in Schedule 14 or 15 is taken to include subordinate legislation made under that enactment whether made solely under that enactment or jointly under that enactment and another enactment.

The Order also specifies subordinate legislation for the purposes of sections 238 and 241 of the Act. Section 238 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.

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 or such subordinate legislation as specified by Order of the Secretary of State.

In addition, this Order makes various consequential amendments under section 277 of the Act, including the repeal of existing disclosure provisions, or provisions which import disclosure provisions in other legislation, which have been repealed and replaced by Part 9.