



# Small Business, Enterprise and Employment Act 2015

## 2015 CHAPTER 26

### PART 1

#### ACCESS TO FINANCE

##### *Financial information about businesses*

#### **5 Small and medium sized businesses: information to finance platforms**

(1) Where—

- (a) a small or medium sized business has applied to a designated bank for a loan or other credit facility, and
- (b) the application has been unsuccessful,

the Treasury may by regulations impose a duty on the bank to provide specified information about the business to designated finance platforms.

(2) The regulations—

- (a) must provide that the duty only applies where the business to which the information relates agrees to its information being provided to the designated finance platforms;
- (b) may require a bank—
  - (i) to seek the agreement of a business for the purposes of paragraph (a);
  - (ii) to ask the business for any of the specified information that the bank does not already have;
  - (iii) to provide the information to the finance platforms within a specified time period.

(3) The regulations may make further provision about the duty in subsection (1), which may in particular include provision about—

- (a) the types of loans and credit facilities that trigger the duty,

---

*Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 5. (See end of Document for details)*

---

- (b) the circumstances in which an application is to be considered unsuccessful, and
  - (c) the finance platforms to which information must be provided.
- (4) Where a finance platform has received information by virtue of subsection (1), the Treasury may by regulations—
  - (a) impose a duty on the finance platform to provide specified information to all finance providers requesting access to the information, and
  - (b) impose a duty on the finance platform to provide specified information about a particular business to a finance provider where—
    - (i) the finance provider has requested information about the business, and
    - (ii) the business has agreed to its information being provided to the finance provider.
- (5) Information specified for the purposes of subsection (4)(a) must be in such a form that no individual business, and no person associated with the business, can be identified.
- (6) The regulations may provide that the duty in subsection (4)(a) or (b) does not apply unless—
  - (a) the finance provider or business agrees to the finance platform's terms and conditions;
  - (b) the finance provider complies with specified requirements about the use and disclosure of the information.
- (7) The regulations may make further provision about the duties in subsection (4)(a) and (b), including in particular provision—
  - (a) requiring the finance platform to provide the information within a specified time period;
  - (b) setting out how a request by a finance provider must be made to a finance platform;
  - (c) setting out how a business may indicate agreement for the purposes of subsection (4)(b)(ii);
  - (d) about the time period for which information must be kept by the finance platform;
  - (e) about the removal of information from the finance platform.
- (8) The regulations may make provision—
  - (a) prohibiting finance platforms from charging fees to small and medium sized businesses, or
  - (b) permitting finance platforms to charge fees to small and medium sized businesses.
- (9) The regulations must make provision for the designation of banks and finance platforms by the Treasury, and the regulations may in particular provide for—
  - (a) conditions that must be met for a bank or finance platform to be designated;
  - (b) considerations that the Treasury may take into account before deciding whether to designate a bank or finance platform;
  - (c) the Treasury to consider the advice of another person before making a designation;
  - (d) the procedure for designating a bank or finance platform;

**Changes to legislation:** There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 5. (See end of Document for details)

---

- (e) how the list of designated banks and finance platforms must be published;
  - (f) the revocation of a designation.
- (10) In this section “specified” means specified or described in the regulations.

**Changes to legislation:**

There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 5.