



# Enterprise Act 2016

## 2016 CHAPTER 12

### PART 1

#### THE SMALL BUSINESS COMMISSIONER

##### *General advice and information*

### 3 General advice and information

- (1) The Commissioner may publish, or give to small businesses, general advice or information that the Commissioner considers may be useful to small businesses in connection with their supply relationships with larger businesses.
- (2) In considering under subsection (1) what advice and information may be useful, the Commissioner must, in particular, consider how useful any advice or information would be for the purposes of encouraging small businesses to resolve disputes with larger businesses or preventing such disputes arising.
- (3) General advice or information published or given under subsection (1) may include general advice or information about—
  - (a) principles of the law of contract;
  - (b) other sources of rights or obligations in relation to the supply of goods or services;
  - (c) dispute resolution.
- (4) General advice or information published or given under subsection (1) may also include general advice or information about—
  - (a) complaint-handling bodies, ombudsmen, regulators or other persons (other than courts or tribunals) who, in connection with small businesses' supply relationships with larger businesses, may be able—
    - (i) to resolve or facilitate the resolution of disputes, or
    - (ii) to give other advice or assistance to small businesses;

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*Status: This is the original version (as it was originally enacted).*

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- (b) statutory rights to refer disputes in connection with such relationships for adjudication by a person other than a court or tribunal.
- (5) The Commissioner may publish, or give to small businesses, general advice or information about—
  - (a) complaint-handling bodies, ombudsmen, regulators or public authorities (other than courts or tribunals) who, in connection with the supply relationships of small businesses with public authorities, may be able—
    - (i) to resolve or facilitate the resolution of disputes, or
    - (ii) to give other advice or assistance to small businesses;
  - (b) statutory rights to refer disputes in connection with such relationships for adjudication by a person other than a court or tribunal.
- (6) Advice published or given under this section must be impartial, and information published or given under this section must be presented in an impartial manner.
- (7) The powers conferred on the Commissioner by this section to publish or give general advice or information may be exercised by making arrangements with any other person in accordance with which that person publishes or provides that advice or information.
- (8) The Commissioner may make recommendations to the Secretary of State about the publication, or provision to small businesses, by the Secretary of State of advice or information of a kind which the Commissioner is authorised to publish or give under this section.
- (9) Where a recommendation is made under subsection (8), the Secretary of State must inform the Commissioner whether anything is to be done in response to the recommendation and, if it is, give details of the action to be taken.
- (10) For the purposes of this section a small business has a “supply relationship” with a larger business or public authority if—
  - (a) the small business has an agreement to supply, has supplied or may supply, goods or services to the larger business or public authority, or
  - (b) the larger business or public authority has an agreement to supply, has supplied or may supply, goods or services to the small business.
- (11) In this section—
  - “dispute” includes any difference;
  - “larger business” means a person carrying on one or more businesses who—
    - (a) is not a small business,
    - (b) has a place of business in the United Kingdom, and
    - (c) is not a public authority.