

SCHEDULE 10

Amendments to legislation

PART 1

Amendments to UK primary legislation

Enterprise Act 2002

- 2.—(1) The Enterprise Act 2002(1) is amended as follows.
- (2) After section 241A(2)(d)(2), insert—
- “(e) state aid information.”.
- (3) After section 243(3)(d)(3), insert—
- “(e) state aid information.”.
- (4) For section 245(4)(4), substitute—
- “(3A) A person who commits an offence under this section in England and Wales is liable—
- (a) on summary conviction to imprisonment for a term not exceeding three months or to a fine or to both;
- (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.
- (4) A person who commits an offence under this section in Scotland or Northern Ireland is liable—
- (a) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both;
- (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.”.
- (5) In section 273(5), at the appropriate place insert—
- ““state aid information” means information that comes to a public authority in connection with the exercise of any function it has under or by virtue of—
- (a) the Financial Transparency (EC Directive) Regulations 2009;
- (b) [Commission Regulation \(EU\) No. 651/2014](#) of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty;
- (c) [Commission Regulation \(EU\) No. 702/2014](#) of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union;

(1) [2002 c. 40](#).

(2) Section 241A was inserted by section 1281 of the Companies Act 2006 (c. 46) and amended by section 114(2) of, and Schedule 19 to, the Financial Services Act 2012 (c. 21).

(3) Section 243 was amended by section 114(2) of, and Schedule 19 to, the Financial Services Act 2012.

(4) The effect of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) was to remove the upper limit for fines that a magistrates’ court can impose on summary conviction in England and Wales.

(5) Section 273 was amended by section 26(3) of, and Schedule 5 to, the Enterprise and Regulatory Reform Act 2013 (c. 24).

- (d) [Commission Regulation \(EU\) No. 1388/2014](#) of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union;
- (e) the State Aid (EU Exit) Regulations 2019.”.

(6) In each of Schedules 14 and 15(6), at the appropriate places insert—

“Financial Transparency (EC Directive) Regulations 2009.”;

“[Commission Regulation \(EU\) No. 651/2014](#) of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.”;

“[Commission Regulation \(EU\) No. 702/2014](#) of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union.”;

“[Commission Regulation \(EU\) No. 1388/2014](#) of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union.”; and

“State Aid (EU Exit) Regulations 2019.”.

(6) There are amendments to Schedules 14 and 15 but none are relevant.