
STATUTORY INSTRUMENTS

2006 No. 1644

COMPANIES

**The Companies (Disclosure of Information)
(Designated Authorities) Order 2006**

<i>Made</i>	- - - -	<i>20th June 2006</i>
<i>Laid before Parliament</i>		<i>23rd June 2006</i>
<i>Coming into force</i>	- -	<i>1st October 2006</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 449(3) of the Companies Act 1985(1) and section 87(5) of the Companies Act 1989(2):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Companies (Disclosure of Information) (Designated Authorities) Order 2006 and shall come into force on 1st October 2006.

Addition of the Gambling Commission to Schedule 15D of the Companies Act 1985

2.—(1) Schedule 15D to the Companies Act 1985 (permitted disclosure of certain information obtained in connection with company investigations etc under Part 14) is amended as follows.

(2) After paragraph 49 insert—

“50. A disclosure for the purpose of enabling or assisting the Gambling Commission to exercise its functions under the Gambling Act 2005.”

Addition of the Gambling Commission and certain of its functions to the Table in Section 87(4) of the Companies Act 1989

3.—(1) The table in section 87(4) of the Companies Act 1989 (permitted disclosure of certain information obtained in connection with company investigations etc undertaken to assist overseas regulatory authorities under Part 3) is amended as follows.

(2) After the entry relating to the Regulator of Community Interest Companies insert the following—

(1) 1985 c. 6: Schedule 15D was inserted by section 25 of and paragraphs 16 and 25 of Part 3 of Schedule 2 to the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27)

(2) 1989 c. 40

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“The Gambling Commission

Functions under the Gambling Act 2005”

20th June 2006

Jim Fitzpatrick
Parliamentary Under Secretary of State for
Employment Relations and Postal Services
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Companies Acts 1985 and 1989.

The Order amends Schedule 15D of the Companies Act 1985 (“the 1985 Act”) by adding a disclosure for the purpose of enabling or assisting the Gambling Commission to exercise its functions under the Gambling Act 2005 to the list of disclosures that are permitted by virtue of section 449(2)(b) and Schedule 15D of the 1985 Act.

The Order also amends the Table in section 87(4) of the Companies Act 1989 (“the 1989 Act”) by adding an entry allowing a disclosure to the Gambling Commission for the purpose of its functions under the Gambling Act 2005 to the list of disclosures that are permitted by section 87(1)(b) of the 1989 Act.

The Gambling Commission was set up under the Gambling Act 2005. It has taken over the role previously played by the Gaming Board for Great Britain in regulating casinos, bingo, gaming machines and lotteries. It also has responsibility under that Act for the regulation of all forms of betting other than spread betting.

The Order has three effects on the 1985 Act. The first is to permit the disclosure to the Gambling Commission of the three types of information described in section 449(1) of the 1985 Act. These are information that has been obtained either (i) under section 447 of the 1985 Act, following the use of powers exercisable by the Secretary of State or an investigator authorised by him to require companies and other persons to produce documents or to provide information; (ii) under section 448A(2) of the 1985 Act, this applying to information obtained by the Secretary of State pursuant to a “relevant disclosure”; or (iii) in consequence of an investigator’s exercise of his powers to enter and remain on company premises under section 453A of the 1985 Act.

The second effect of the Order on the 1985 Act is to enable the Secretary of State or an inspector, under section 451A(2) of the 1985 Act, to disclose information obtained in two other ways to the Gambling Commission. These are information obtained by inspectors appointed by the Secretary of State either (i) under sections 434 to 446 of the 1985 Act (these sections, among other things, giving power to inspectors to investigate fraud by or the ownership of a company) or (ii) in consequence of the exercise of an inspector’s powers to enter and remain on company premises under section 453A of the 1985 Act.

The third effect of the Order on the 1985 Act concerns documents obtained by the Secretary of State pursuant to a search warrant issued under section 448 of the 1985 Act. Section 448(8) of the 1985 Act provides that for the purposes of the disclosure provisions in sections 449 and 451A of the 1985 Act such documents shall be treated as if obtained under whatever provision of Part 14 of the 1985 Act their production was or could have been required. The Order would permit the disclosure of documents obtained pursuant to a search warrant to the Gambling Commission.

The Order affects the 1989 Act in the following way. By virtue of section 86(1) of the 1989 Act information that is supplied either (i) by an overseas regulatory authority (as defined in section 82(2) of the 1989 Act) in connection with a request to the Secretary of State for assistance or (ii) is obtained by virtue of the exercise of the powers conferred on the Secretary of State (or a person authorised by him) by section 83 of the 1989 Act can only be disclosed as permitted by section 87 of the 1989 Act (unless the consent of the person from whom the primary recipient (as defined in section 86(3)) obtained it and, if different, the person to whom it relates is obtained.)

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Section 87(1)(b) of the 1989 Act states that information to which section 86 applies may be disclosed for the purpose of enabling or assisting a relevant authority (listed in section 87(4)) to discharge any relevant function (again listed in section 87(4)).

The Order adds the Gambling Commission to the list of relevant authorities in section 87(4) of the 1989 Act and adds its functions under the Gambling Act 2005 to the list of relevant functions in that section.

A full regulatory impact assessment has not been produced for this instrument as any additional costs which result will be minimal and will only affect public sector bodies. There will be no impact on the costs of business, charities or voluntary bodies.