

**EXPLANATORY MEMORANDUM TO
THE ENTERPRISE ACT 2002 (PART 9 RESTRICTIONS ON DISCLOSURE OF
INFORMATION)(AMENDMENT) ORDER 2006**

2006 No. 2909

1. This explanatory memorandum has been prepared by the Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument adds the Gambling Act 2005 to Schedule 15 of the Enterprise Act 2002. As a result, information which is restricted under the Enterprise Act, can be disclosed to a public authorities exercising functions under the Gambling Act.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 Part 9 of the Enterprise Act brought together a number of statutory regimes for the protection of information obtained by public bodies under specified legislation in their dealings with individuals and businesses. It protects such information from misuse. Part 9 balances that protection with functions and considerations, which allow the use of the information for other public purposes.

4.2 The information is restricted if it relates to the affairs of an individual or the business of an undertaking. The information may be disclosed by one public authority to another, for the purposes of the latter exercising functions under the legislation listed in Schedule 15.

4.3 So by adding the Gambling Act 2005 to Schedule 15 public authorities with information that is subject to Part 9 (such as the Office of Fair Trading). Will be able to disclose that information to the Gambling Commission to enable or assist it to carry out its functions under the Gambling Act.

5. Extent

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

The Rt Hon Ian McCartney has made the following statement regarding Human Rights:

In my view the provisions of the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information)(Amendment) Order 2006 are compatible with the Convention rights.

7. Policy background

7.1 EA02 Part 9 reflects the Government strategy of widening and harmonising the gateways through which information can be disclosed in the UK and overseas and at the same time introduces appropriate safeguards in respect of permitted disclosures of information.

7.2 This Order will, for example, enable the Gambling Commission to obtain information from the Office of Fair Trading such as information about the activities of a consumer credit licence holder. Section 6 of the Gambling Act 2005 already allows the Gambling Commission to disclose information which it holds to the OFT for the OFT to use in exercising its functions.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is that other public bodies such as the OFT and trading standards authorities will be able to provide information to the Gambling Commission to carry out its functions.

9. Contact

Peter Monday at the Department of Trade and Industry Tel: 020 7215 3010 or e-mail: peter.monday@dti.gsi.gov.uk can answer any queries regarding the instrument.