

2004 No. 693

**COMPETITION
CONSUMER PROTECTION
DISCLOSURE OF INFORMATION**

**The Enterprise Act 2002 (Part 9 Restrictions on Disclosure
of Information) (Specification) Order 2004**

Made - - - - - 4th March 2004

Laid before Parliament 10th March 2004

Coming into force - - 4th May 2004

The Secretary of State in exercise of the powers conferred on her by sections 238(1)(c), 241(3)(c) and 277 of the Enterprise Act 2002^(a) hereby makes the following Order:

Citation and Commencement

1. This Order may be cited as the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004 and shall come into force on 4th May 2004.

Specified Subordinate Legislation

2. The subordinate legislation set out in Schedule 1 to this Order is hereby specified for the purposes of section 238(1)(c) (information) and section 241(3)(c) (statutory functions) of the Enterprise Act 2002.

Consequential Amendments

3. Schedule 2 (revocations) has effect.

Gerry Sutcliffe,
Parliamentary Under-Secretary of State
for Employment Relations, Competition and Consumers,
Department of Trade and Industry

4th March 2004

(a) 2002 c. 40.

SCHEDULE 1

Article 2

SPECIFIED SUBORDINATE LEGISLATION

Household Appliances (Noise Emission) Regulations 1990**(a)**.
 Electromagnetic Compatibility Regulations 1992**(b)**.
 Supply of Machinery (Safety) Regulations 1992**(c)**.
 Recreational Craft Regulations 1996**(d)**.
 Lifts Regulations 1997**(e)**.
 Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999**(f)**.
 Pressure Equipment Regulations 1999**(g)**.
 Radio Equipment and Telecommunications Terminal Equipment Regulations 2000**(h)**.
 Personal Protective Equipment Regulations 2002**(i)**.
 Packaging (Essential Requirements) Regulations 2003**(j)**.

SCHEDULE 2

Article 3

REVOCATIONS

<i>Revocations</i>	
Household Appliances (Noise Emission) Regulations 1990	In Regulation 8 (k) , in paragraph 1, the reference to section 38 (l) of the Consumer Protection Act 1987 (m) and subparagraph (e).
Electromagnetic Compatibility Regulations 1992	Regulation 97.
Supply of Machinery (Safety) Regulations 1992	In Schedule 6, in paragraph 3(c), the reference to section 38 of the Consumer Protection Act 1987 and subparagraph (viii).
Recreational Craft Regulations 1996	In Schedule 15, in paragraph 1(a), for “sections 37 and 38” substitute “section 37”.
Lifts Regulations 1997	In Schedule 15, in paragraph 2(b), the reference to section 38 of the Consumer Protection Act 1987 and subparagraph (viii).
Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999	In regulation 16, in paragraph 3(a), the reference to section 38 of the Consumer Protection Act 1987 and subparagraph (viii).
Pressure Equipment Regulations 1999	In Schedule 8, in paragraph 2(c), the reference to section 38 of the Consumer Protection Act 1987 and subparagraph (viii).
Radio Equipment and Telecommunications Terminal Equipment Regulations 2000	In Schedule 9, in paragraph 1(2) the reference to section 38 of the Consumer Protection Act and subparagraph (i).

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- (a) S.I. 1990/161.
 (b) S.I. 1992/2372.
 (c) S.I. 1992/3073.
 (d) S.I. 1996/1353.
 (e) S.I. 1997/831.
 (f) S.I. 1999/1053.
 (g) S.I. 1999/2001.
 (h) S.I. 2000/730.
 (i) S.I. 2002/1144.
 (j) S.I. 2003/1941.
 (k) Regulation 8 was inserted by regulation 3(d) of S.I. 1994/1386.
 (l) Section 38 of the Consumer Protection Act 1987 was repealed by section 247(g) Enterprise Act 2002.
 (m) 1987 c. 43.

<i>Revocations</i>	
Personal Protective Equipment Regulations 2002	In Schedule 10, in paragraph 1(c), the reference to section 38 of the Consumer Protection Act 1987 and subparagraph (viii).
Packaging (Essential Requirements) Regulations 2003	In Schedule IV, in paragraph 2(a), the reference to section 38 of the Consumer Protection Act 1987 and subparagraph (viii).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies subordinate legislation for the purposes of sections 238 and 241 of the Enterprise Act 2002. As a result the provisions of Part 9 of the Enterprise Act apply to information obtained by a public authority under the legislation set out in the Schedule.

Section 238 defines “specified information” for the purposes of Part 9 of the Act. “Specified information” is information which comes to a public authority in connection with the exercise of any function it has under or by virtue of, amongst other things, enactments specified in Schedule 14 and such subordinate legislation as specified by Order of the Secretary of State. “Specified information” is subject to the restrictions and permitted disclosures set out in Part 9 of the Act.

Section 241 of the Act provides that a public authority may disclose “specified information” to another person for the purposes of facilitating the exercise of any functions he has under or by virtue of the Act itself, enactments specified in Schedule 15 or such subordinate legislation as specified by Order of the Secretary of State.

The Order also makes consequential amendments.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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