
STATUTORY INSTRUMENTS

2018 No. 1046

**EXITING THE EUROPEAN UNION
COMPETITION
REGULATORY REFORM**

The Groceries Code Adjudicator Act 2013, Small Business, Enterprise and Employment Act 2015 and Enterprise Act 2016 (Amendment) (EU Exit) Regulations 2018

Made - - - - 5th October 2018

Laid before Parliament 9th October 2018

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(1).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these regulations) have been satisfied.

Citation and commencement

1. These Regulations may be cited as the Groceries Code Adjudicator Act 2013, Small Business, Enterprise and Employment Act 2015 and Enterprise Act 2016 (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

Amendment of the Groceries Code Adjudicator Act 2013

2. In section 18(3)(b) of the Groceries Code Adjudicator Act 2013 (confidentiality)(2), for “an EU obligation” substitute “a retained EU obligation”.

(1) [2018 c.16](#)

(2) [2013 c.19](#)

Status: This is the original version (as it was originally made).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

Amendment of the Small Business, Enterprise and Employment Act 2015

3. In section 23(5)(b) of the Small Business, Enterprise and Employment Act 2015 (duty on Secretary of State to publish reports)(3), omit “EU obligation or any other”.

Amendment of the Enterprise Act 2016

4. In section 8(2)(c) of the Enterprise Act 2016 (confidentiality)(4), for “EU obligation” substitute “retained EU obligation”.

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy.

Henley
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial
Strategy

5th October 2018

(3) [2015 c.26](#)
. Section 23 was amended by section 14(4) of and paragraphs 1 to 3 of Schedule 2 to the Enterprise Act 2016 (c.12)

(4) [2016 c.12](#)
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8 of the European Union (Withdrawal) Act

2018 (c.16)

in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. Regulations 2, 3 and 4 each correct a deficiency of the type mentioned in section 8(2)(a) and (g) – matters which have no practical application to the United Kingdom or are otherwise redundant, and EU references which are no longer appropriate.

Regulation 2 amends section 18 of the Groceries Code Adjudicator Act 2013 to make clear that the prohibition on disclosure does not apply when the Adjudicator is required to make a disclosure for the purposes of a retained EU obligation (replacing the existing reference to an EU obligation). The meaning of “retained EU obligation” is set out in Schedule 1 to the Interpretation Act 1978 (words and expressions defined) and covers obligations that were created or arose by or under the EU Treaties before exit day and form part of retained EU law (as defined in the European Union (Withdrawal) Act 2018).

Regulation 3 amends section 23 of the Small Business, Enterprise and Employment Act 2015 so that when making a report under that section, the Secretary of State no longer has to describe or give reasons for any regulatory provisions which go beyond what is necessary to implement an EU obligation. This is because the UK will no longer implement EU obligations.

Regulation 4 has a similar effect as regulation 2 but in respect of the Small Business Commissioner.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.