

**2000 No. 1858**

**FINANCIAL SERVICES AND MARKETS**

**The Financial Services and Markets Act 2000  
(Competition Information)  
(Specification of Enactment etc.)  
Order 2001**

<i>Made</i> - - - - -	<i>10th May 2001</i>
<i>Laid before Parliament</i>	<i>11th May 2001</i>
<i>Coming into force</i> - -	<i>18th June 2001</i>

The Treasury, in exercise of the powers conferred on them by section 428(3) of, and Schedule 19 to the Financial Services and Markets Act 2000(a), hereby make the following Order—

**Citation and commencement**

1. This Order may be cited as the Financial Services and Markets Act 2000 (Competition Information) (Specification of Enactment etc.) Order 2001 and comes into force on 18th June 2001.

**Specification**

2.—(1) The Gas and Electricity Markets Authority (“GEMA”) referred to in section 1 of the Utilities Act 2000(b) is a person specified for the purposes of Part I of Schedule 19 to the Financial Services and Markets Act 2000.

(2) Any function of GEMA under an enactment specified in Part II of that Schedule is a function of GEMA specified for the purposes of Part I of that Schedule.

(3) The Competition Act 1998(c) and the Utilities Act 2000 are enactments specified for the purposes of paragraph 19 of Part II of that Schedule.

(4) In consequence of paragraphs (1) and (2), the entries numbered 5 and 7 in the table in Part I of that Schedule are omitted.

10th May 2001 *Clive Betts*  
*Jim Dowd*  
Two of the Lords Commissioners of Her Majesty’s Treasury

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(a) 2000 c. 8.  
(b) 2000 c. 27.  
(c) 1998 c. 41.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order specifies the Gas and Electricity Markets Authority (“GEMA”) as a person for the purposes of Part I of Schedule 19 to the Financial Services and Markets Act 2000 (“the Act”), and specifies any function of GEMA under an enactment referred to in Part II of Schedule 19 as a function of GEMA for the purposes of Part I of that Schedule.

The Order also specifies the Competition Act 1998 and the Utilities Act 2000 for the purposes of Part II of that Schedule.

In consequence of the above provisions, the references to the Director General of Gas Supply and the Director General of Electricity Supply are omitted from the table in Part I of Schedule 19 to the Act.

The effect of the Order is that the disclosure of competition information (as defined in section 351(5) of the Act) made to facilitate the performance by GEMA of functions under an enactment specified in Part II of Schedule 19 to the Act (including the Competition Act and the Utilities Act) is not an improper disclosure of information for the purposes of section 351 of the Act.

Further, both the Competition Act 1998 and the Utilities Act 2000 become “specified enactments” for the purposes of section 351 of the Act. Information disclosed with a view to the institution of, or otherwise for the purposes of, civil proceedings brought under or in connection with such enactments is not improperly disclosed for the purposes of section 351 of the Act.

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