
STATUTORY INSTRUMENTS

1986 No. 1032

The Companies (Northern Ireland) Order 1986 (revoked)

PART XV

**INVESTIGATION OF COMPANIES AND THEIR
AFFAIRS; REQUISITION OF DOCUMENTS**

Requisition and seizure of books and papers

Department's power to require production of documents

Para. (1) rep. by 1990 NI 10

(2) The Department may at any time, if it thinks there is good reason to do so, give directions to^[F3 a company] requiring it, at such time and place as may be specified in the directions, to produce such^[F3 documents] as may be so specified

(3) The Department may at any time, if it thinks there is good reason to do so, authorise an officer of the Department^[F3 or any other competent person], on producing (if so required) evidence of his authority, to require^[F3 a company] to produce to him forthwith any^[F3 documents] which^[F3 he] may specify.

(4) Where by virtue of paragraph (2) or (3) the Department or an officer of the Department^[F3 or other person] has power to require the production of^[F3 documents] from^[F3 a company], the Department or the officer^[F3 or other person] has the like power to require production of those^[F3 documents] from any person who appears to the Department or the officer^[F3 or other person] to be in possession of them; but where any such person claims a lien on^[F3 documents] produced by him, the production is without prejudice to the lien.

(5) The power under this Article to require^[F3 a company] or other person to produce^[F3 documents] includes power—

- (a) if the^[F3 documents] are produced—
- (i) to take copies of them or extracts from them, and
 - (ii) to require that person, or any other person who is a present or past officer of, or is or was at any time employed by,^[F3 the company] in question, to provide an explanation of any of them;
- (b) if the^[F3 documents] are not produced, to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

(6) If the requirement to produce^[F3 documents] or provide an explanation or make a statement is not complied with,^[F3 the company] or other person on whom the requirement was so imposed is guilty of an offence and liable to a fine.

^{[F3}Articles 680 (restriction on prosecutions), 680A (liability of individuals for corporate default) and 680B (criminal proceedings against unincorporated bodies) apply to this offence.]

*Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the The Companies
(Northern Ireland) Order 1986 (revoked), Section 440 . (See end of Document for details)*

(7) However, where a person is charged with an offence under paragraph (6) in respect of a requirement to produce any^[F3] documents], it is a defence to prove that they were not in his possession or under his control and that it was not reasonably practicable for him to comply with the requirement.

(8) A statement made by a person in compliance with such a requirement may be used in evidence against him.

^[F4](8A) However, in criminal proceedings in which that person is charged with an offence to which this paragraph applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(8B) Paragraph (8A) applies to any offence other than—

- (a) an offence under paragraph (6) or Article 444; or
- (b) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than an oath.)

^[F3](9) In this Article “documents” includes information recorded in any form; and, in relation to information recorded otherwise than in legible form, the power to require its production includes power to require the production of a copy of it in legible form^[F5], or in a form from which it can readily be produced in visible and legible form].]

- F1** prosp. subst. by [2005 NI 17](#) (which amendment repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), s. 1295, [Sch. 16](#); S.I. 2008/2860, art. 4, [Sch. 1 Pt. 2](#))
- F2** mod. by SR 2004/307
- F3** [1990 NI 10](#)
- F4** [1999 c. 23](#)
- F5** [2001 c. 16](#)

- F1** Order repealed (prosp.) by [Companies Act 2006 \(c. 46\)](#), ss. 1284(2), 1295, 1300(2), [Sch. 16](#) and the repeal being partly in force, as to which see individual Articles (with savings (with adaptations) by [Companies Act 2006](#) (Commencement No. 6, Saving and Commencement Nos. 3 and 5 (Amendment)) Order 2008 (S.I. 2008/674), arts. 2(3), {4}, Sch. 2) and subject to amendments (6.4.2008) by [Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), arts. 2(2), 3(1) (b)(2), [Sch. 1](#) paras. 135, 147, 148 {Sch. 2 Note 1} (with arts. 6, 11, 12) and subject to amendments (6.4.2008) by S.R. 2008/133, {regs. 2, 3}

Status:

Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Companies (Northern Ireland) Order 1986 (revoked), Section 440 .