

## SCHEDULES

### SCHEDULE 5

#### AUTHORISED INVESTIGATORS

##### *Investigation powers*

- 2 (1) An authorised investigator may by notice in writing require any person who he has reason to believe has information relevant to the investigation to attend before him at a specified place either forthwith or at a specified time and answer questions or otherwise furnish information with respect to any matter relevant to the investigation.
- (2) An authorised investigator may by notice in writing require any such person to produce at a specified place and either forthwith or at a specified time any specified documents which appear to the authorised investigator to relate to any matter relevant to the investigation or any documents of a specified class which appear to him to relate to any such matter.
- (3) If any documents are produced pursuant to a notice under sub-paragraph (2) above the authorised investigator may—
- (a) take copies of or abstracts from them;
  - (b) require the person producing them to provide an explanation of them;
  - (c) retain them if he has reasonable grounds for believing that they might otherwise be concealed, lost, damaged, altered or destroyed.
- (4) If any documents are not produced pursuant to a notice under sub-paragraph (2) above the authorised investigator may require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.
- (5) A person shall not under this paragraph be required to disclose any information or produce any document—
- (a) which he would be entitled to refuse to disclose or produce on grounds of legal professional privilege in proceedings in the High Court; or
  - (b) which in Scotland is an item subject to legal privilege as defined in section 40 of the Criminal Justice (Scotland) Act 1987;
- except that a lawyer may be required to furnish the name and address of his client.
- (6) A person shall not under this paragraph be required to disclose any information or produce any document—
- (a) which is held by him on behalf of the Crown; or
  - (b) in respect of which he owes an obligation of confidence by virtue of the carrying on of a banking business.
- (7) A person need not comply with any requirement imposed by an authorised investigator under this paragraph unless the investigator has, if required to do so, produced evidence of his authority, and that evidence need not identify him by name if it contains other means of identification.