

*Status: Point in time view as at 27/06/2017.*

*Changes to legislation: Data Protection Act 1998, Cross Heading: Matters exempt from inspection and seizure is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9

#### POWERS OF ENTRY AND INSPECTION

##### **Modifications etc. (not altering text)**

- C1** Sch. 9 applied (with modifications) (1.3.2000) by S.I. 1999/2093, reg. 34, **Sch. 3 para. 5(3)**
- C1** Sch. 9 extended (with modifications) (11.12.2003) by [The Privacy and Electronic Communications \(EC Directive\) Regulations 2003 \(S.I. 2003/2426\)](#), **reg. 31**, Sch. 1 (with regs. 4, 15(3), 28, 29)
- C1** Sch. 9 applied (with modifications) (22.7.2016) by [The Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 \(S.I. 2016/696\)](#), reg. 1, Sch. 2 paras. 1(1), 2

##### *Matters exempt from inspection and seizure*

- 8 The powers of inspection and seizure conferred by a warrant issued under this Schedule shall not be exercisable in respect of personal data which by virtue of section 28 are exempt from any of the provisions of this Act.
- 9 (1) Subject to the provisions of this paragraph, the powers of inspection and seizure conferred by a warrant issued under this Schedule shall not be exercisable in respect of—
- (a) any communication between a professional legal adviser and his client in connection with the giving of legal advice to the client with respect to his obligations, liabilities or rights under this Act, or
  - (b) any communication between a professional legal adviser and his client, or between such an adviser or his client and any other person, made in connection with or in contemplation of proceedings under or arising out of this Act (including proceedings before the Tribunal) and for the purposes of such proceedings.
- (2) Sub-paragraph (1) applies also to—
- (a) any copy or other record of any such communication as is there mentioned, and
  - (b) any document or article enclosed with or referred to in any such communication if made in connection with the giving of any advice or, as the case may be, in connection with or in contemplation of and for the purposes of such proceedings as are there mentioned.
- (3) This paragraph does not apply to anything in the possession of any person other than the professional legal adviser or his client or to anything held with the intention of furthering a criminal purpose.
- (4) In this paragraph references to the client of a professional legal adviser include references to any person representing such a client.

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- 10 If the person in occupation of any premises in respect of which a warrant is issued under this Schedule objects to the inspection or seizure under the warrant of any material on the grounds that it consists partly of matters in respect of which those powers are not exercisable, he shall, if the person executing the warrant so requests, furnish that person with a copy of so much of the material as is not exempt from those powers.

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