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SCHEDULES

SCHEDULE 3

RESTRICTION ON USE OF ANSWERS ETC. OBTAINED UNDER COMPULSION

Banking Act 1987 (c. 22)

- 16 The Banking Act 1987 is amended as follows.
- 17 In section 39 (power of Financial Services Authority to obtain information etc. from authorised institutions), after subsection (12) (use of statements made under the section) insert—
- “(12A) However, in criminal proceedings in which that person is charged with an offence to which this subsection 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.
- (12B) Subsection (12A) above applies to any offence other than—
- (a) an offence under subsection (11) above or section 94(1)(a) below;
 - (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath);
 - (c) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath);
 - or
 - (d) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”
- 18 In section 41 (investigations into authorised institutions by Financial Services Authority), after subsection (10) (use of statements made under the section) insert—
- “(10A) However, in criminal proceedings in which that person is charged with an offence to which this subsection 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.
- (10B) Subsection (10A) above applies to any offence other than—
- (a) an offence under subsection (9)(c) above or section 94(4) below;
 - (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath);

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- (c) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath);
or
 - (d) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”
- 19 In section 42 (investigations by Financial Services Authority into suspected contraventions of sections 3 and 35), after subsection (5) (use of statements made under the section) insert—
 - “(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection 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.
 - (5B) Subsection (5A) above applies to any offence other than—
 - (a) an offence under subsection (4) above or section 94(1)(a) below;
 - (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath);
 - (c) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath);
or
 - (d) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”