



# Pensions Act 2004

## 2004 CHAPTER 35

### PART 9

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *General*

#### **311 Protected items**

- (1) A person may not be required under or by virtue of this Act to produce, disclose or permit the inspection of protected items.
- (2) For this purpose “protected items” means—
  - (a) communications between a professional legal adviser and his client or any person representing his client which fall within subsection (3);
  - (b) communications between a professional legal adviser, his client or any person representing his client and any other person which fall within subsection (3) (as a result of paragraph (b) of that subsection);
  - (c) items which—
    - (i) are enclosed with, or referred to in, such communications,
    - (ii) fall within subsection (3), and
    - (iii) are in the possession of a person entitled to possession of them.
- (3) A communication or item falls within this subsection if it is made—
  - (a) in connection with the giving of legal advice to the client, or
  - (b) in connection with, or in contemplation of, legal proceedings and for the purpose of those proceedings.
- (4) A communication or item is not a protected item if it is held with the intention of furthering a criminal purpose.