

## SCHEDULES

### SCHEDULE 17

#### INVESTIGATORY POWERS

##### *Extra-territorial application in relation to notices*

3 After paragraph 17 insert—

##### *“Extra-territorial application in relation to notices under paragraph 14*

- 17A (1) This paragraph applies to the exercise of a power of an enforcer to give a person a notice under paragraph 14.
- (2) The power is exercisable so as to—
- (a) give the notice to a person who is outside the United Kingdom;
  - (b) require the provision of information held outside the United Kingdom.
- (3) Sub-paragraph (4) applies where—
- (a) an enforcer proposes to give a notice to a person outside the United Kingdom by virtue of sub-paragraph (2)(a), and
  - (b) the enforcer does not consider that the person is a potential enforcement subject.
- (4) Where this sub-paragraph applies, the power to give the notice is exercisable only if the person has a UK connection.
- (5) A person has a UK connection if the person—
- (a) is a United Kingdom national,
  - (b) is an individual who is habitually resident in the United Kingdom,
  - (c) is a firm established in the United Kingdom, or
  - (d) carries on business in the United Kingdom or by any means directs activities in the course of carrying on a business to consumers in the United Kingdom.
- (6) For the purposes of sub-paragraph (3)(b) a person (P) is a “potential enforcement subject”, in relation to a notice given by an enforcer to P by virtue of this paragraph, if the notice is given for the purposes of enabling the enforcer—
- (a) to exercise, or consider whether to exercise, a function mentioned in paragraph 13(2), (3), (7)(a) or (9)(b) in relation to P;
  - (b) to ascertain whether P has breached any legislation mentioned in paragraph 13(4);

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*Status: This is the original version (as it was originally enacted).*

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- (c) to ascertain whether P has complied with, or is complying with, an injunction or interdict mentioned in paragraph 13(7)(b);
  - (d) to determine whether to make an order of a kind mentioned in paragraph 13(9)(a) in respect of, or in relation to, P.
- (7) In sub-paragraph (5)(a) “United Kingdom national” means—
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
  - (b) a person who is a British subject under the British Nationality Act 1981;
  - (c) a British protection person within the meaning of that Act.
- (8) For the purposes of sub-paragraph(5)(c), a firm is “established in the United Kingdom” if—
- (a) it is incorporated or formed under the law of a part of the United Kingdom, or
  - (b) it is administered under arrangements governed by the law of a part of the United Kingdom.
- (9) References in this paragraph to an enforcer include an officer of an enforcer.”