

SCHEDULE

Article 8

Evidence and Information

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Treasury may request any person in or resident in the United Kingdom to furnish to them any information in his possession or control, or to produce to them any document in his possession or control, which they may require for the purpose of—

- (a) securing compliance with or detecting evasion of this Order; or
- (b) obtaining evidence of the commission of an offence under this Order in the United Kingdom.

(2) Any person to whom a request is made must comply with it within such time and in such manner as may be specified in the request.

(3) The power conferred by this paragraph to request any person to produce documents includes power to—

- (a) take copies of or extracts from any document so produced; and
- (b) request that person or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

(4) Where a person is convicted under paragraph 3(a) of this Schedule of failing to furnish information or produce a document when requested so to do, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(5) The furnishing of any information or the production of any document under this paragraph is not to be treated as a breach of any restriction imposed by statute or otherwise.

(6) Nothing in this paragraph shall be taken to require any person who has acted as counsel or solicitor for any person to furnish or produce any privileged information or document in his possession in that capacity.

2. Information furnished or documents produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule is not to be disclosed to a third party by the requesting authority except—

- (a) with the consent of the person by whom the information was furnished or the document was produced, provided that a person who has obtained information or is in possession of a document only in his capacity as a servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;
- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of—
 - (i) the Crown in respect of the Government of the United Kingdom;
 - (ii) the Government of the Isle of Man;
 - (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
 - (iv) the State of Jersey;
 - (v) any British overseas territory;
- (c) on the authority of the Treasury to any organ of the United Nations or to any person in the service of the United Nations or of the Council of the European Union or of the

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Government of any other country for the purpose of assisting the United Nations or the Council of the European Union or that Government in securing compliance with or detecting evasion of measures in relation to the Democratic Republic of Congo decided upon by the Security Council of the United Nations or the Council of the European Union; or

- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings—
 - (i) in the United Kingdom, for an offence under this Order; or
 - (ii) in any of the Channel Islands, the Isle of Man or any British overseas territory, for an offence under a similar provision in any such jurisdiction.

3. Any person who—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it;
- (b) furnishes any information or produces any document which to his knowledge is false in a material particular, or recklessly furnishes any document or information which is false in a material particular, to such a person in response to such a request;
- (c) otherwise wilfully obstructs any person in the exercise of his powers under this Schedule; or
- (d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

is guilty of an offence under this Order.