

SCHEDULE 1

Regulation 1(2)

Instruments that amend Council Regulation (EC) No 1763/2004 of 11th October 2004

1. Commission Regulation (EC) No. 1965/2004 of 15th November 2004(1).
2. Commission Regulation (EC) No. 2223/2004 of 22nd December 2004(2).
3. Commission Regulation (EC) No. 295/2005 of 22nd February 2005(3).
4. Commission Regulation (EC) No. 607/2005 of 18th April 2005(4) and corrigendum(5).
5. Commission Regulation (EC) No 830/2005(6).

SCHEDULE 2

Regulation 4

Information obtained by the requesting authority

1.—(1) The requesting authority may, either generally or in a particular case, request any person in or resident in the United Kingdom to—

- (a) furnish to the requesting authority any information in his possession or control; or
- (b) to produce to the requesting authority any document in his possession or control,

which the requesting authority may require for the purpose of ensuring compliance with the EC Regulation.

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

- (a) to take copies of or extracts from any document so produced; and
- (b) to 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 such document.

(3) 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.

(4) Where a person is convicted of an offence under paragraph 2 of this Schedule of failing to furnish any information or produce any document, 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) Nothing in paragraph (1) requires any person who has acted as counsel or solicitor for any person to disclose any privileged document or information in his possession in that capacity.

2. 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;
- (b) intentionally furnishes false information or a false explanation to any person exercising his powers under this Schedule; or

(1) O.J. L.339, 16.11.2004, p.4.
(2) O.J. L.379, 24.12.2004, p.75.
(3) O.J. L.50, 23.2.2005, p.5.
(4) O.J. L.100, 20.4.2005, p.17.
(5) O.J. L.104, 23.4.2005, p.46.
(6) O.J. L.137, 31.5.2005, p.24.

Status: This is the original version (as it was originally made).

- (c) with intent to evade the provision of this Schedule, destroys, mutilates, defaces, secretes or removes any documents,

is guilty of an offence.

3.—(1) The requesting authority may not disclose to a third party any information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule 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 servant or agent of another person may not give consent for the purposes of this paragraph but such consent may instead be given by any person who is entitled to that information or to 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 any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom;
- (c) on the authority of the Treasury to the European Commission or to any of the competent authorities listed in Annex II to the EC Regulation, for the purpose of assisting the Commission or that competent authority to ensure compliance with the EC Regulations; or
- (d) with a view to the institution of, or otherwise for the purpose of, any proceedings for an offence under these Regulations.

(2) Any person who, without reasonable excuse, discloses information in contravention of paragraph (1) is guilty of an offence.