

SCHEDULE 5

Enforcement powers

[^{F1}PART 2A

Powers of persons authorised by the Secretary of State

Textual Amendments

F1 Sch. 5 Pt. 2A inserted (1.5.2014) by [The Transfrontier Shipment of Waste \(Amendment\) Regulations 2014 \(S.I. 2014/861\)](#), regs. 1, **21(4)** (with reg. 23)

Supplementary

8B.—(1) An answer given by a person in compliance with a requirement imposed under paragraph 8A(1)(g) is admissible in evidence in England and Wales or Northern Ireland against that person in any proceedings or, in Scotland, against that person in criminal proceedings.

(2) In criminal proceedings in which a person mentioned in sub-paragraph (1) is charged with an offence to which this sub-paragraph applies, no evidence relating to that person's answer may be adduced and no question relating to it may be asked by or on behalf of the prosecution unless evidence relating to it is adduced by or on behalf of that person.

(3) Sub-paragraph (2) applies to any offence other than one under—

- (a) section 5 of the Perjury Act 1911 (false statutory declarations and other false statements without oath);
- (b) section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements and declarations not on oath); or
- (c) Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements).

(4) Nothing in this Part compels the production by a person of a document which—

- (a) except in relation to Scotland, that person would on grounds of legal professional privilege be entitled to withhold on an order for discovery in an action in the County Court or High Court; or
- (b) in relation to Scotland, contains confidential information made by or to an advocate or solicitor in that capacity and which that person would be entitled to withhold on an order for the production of documents in an action in the Court of Session.]

Changes to legislation:

There are currently no known outstanding effects for the The Transfrontier Shipment of Waste Regulations 2007, Paragraph 8B.