

SCHEDULE

Article 8

1.—(1) The Treasury may, in writing, request a person to provide information or produce documentation to them which they may reasonably need for the purpose of ascertaining whether an offence has been committed under this Order.

(2) The request may be made by the Treasury or by a person authorised by the Treasury.

(3) Any person to whom a request is made under sub-paragraph (1) must comply with it within 14 days and in such manner as may be specified in the request.

2. A relevant institution must disclose information as soon as practicable if the conditions in paragraph 3 are satisfied.

3. The conditions are that—

(a) the relevant institution knows or suspects, or has grounds for knowing or suspecting, that a specified person—

(i) is a customer or has been a customer of the institution at any time since this Order came into force, or

(ii) is a person with whom it has dealings in the course of its business or has had such dealings at any time since this Order came into force.

(b) the information—

(i) on which the knowledge or suspicion of the person required to disclose is based, or

(ii) which gives grounds for the knowledge or suspicion,

came to the person in the course of a business in the regulated sector.

(2) For the purposes of this paragraph, Schedule 3A to the Terrorism Act 2000⁽¹⁾ is to have effect for the purpose of determining what is a business in the regulated sector.

4. Disclosure of information in accordance with this Schedule is not to be taken to breach any restriction on the disclosure of information (however imposed).

5.—(1) This Schedule does not require any person to provide information or produce documentation which is privileged.

(2) Information and documentation is privileged if the person asked to provide or produce it would be entitled to refuse to do so on grounds of legal professional privilege in proceedings in the High Court or (in Scotland) on grounds of confidentiality of communications in proceedings in the Court of Session.

(3) But information or documentation held with the intention of furthering a criminal purpose is not privileged.

6.—(1) A person who—

(a) fails without reasonable excuse to provide information, or to produce a document, in response to a requirement in or under this Schedule;

(b) provides information, or produces a document, which he or she knows is false in a material particular in relation to a requirement in or under this Schedule;

(c) recklessly provides information, or produces a document, which is false in a material particular in response to a requirement in or under this Schedule;

(d) fails without reasonable excuse to disclose information as required under paragraph (3),

(1) 2000 c.11. Schedule 3A was inserted by paragraph 5(6) of Schedule 2 to the Anti-terrorism, Crime and Security Act 2001 (c. 24).

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is guilty of an offence.

7. The Treasury may only disclose information given or documentation produced under this Order (including any copy or extract made of any such document)—

- (a) to a police officer;
- (b) 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) for the purpose of giving assistance or cooperation to the Government of any country;
- (d) to the Financial Services Authority;
- (e) with a view to instituting, 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; or
- (f) with the consent of a person who, in his or her own right (and not merely in the capacity of servant or agent), is entitled to the information or to the possession of the document, to any third party.

8. Where a person is convicted of an offence under paragraph 6 of this Schedule the court may make an order requiring that person, within such period as may be specified in the order, to give the requested information or to produce the requested document.