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STATUTORY INSTRUMENTS

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**2020 No. 1664**

**The Conflict Minerals (Compliance)  
(Northern Ireland) (EU Exit) Regulations 2020**

**PART 3**

**Enforcement**

**Power to require the production of information**

**8.**—(1) Where the Secretary of State considers it necessary for the carrying out of the Secretary of State's functions under these Regulations, the Secretary of State may give notice to a person requiring the person to provide the Secretary of State the information specified in the notice.

(2) A notice under paragraph (1) must be in writing and specify the purpose for which the information is required.

(3) The notice—

- (a) must specify the time within which the person to whom it is given must comply with it;
- (b) may specify—
  - (i) the manner in which the person to whom it is given must comply with it; and
  - (ii) the form in which the information must be provided.

(4) The notice may require—

- (a) the creation of documents, or documents of a description, specified in the notice; and
- (b) the provision of those documents to the Secretary of State.

(5) A requirement to provide information or create a document is a requirement to do so in a legible form.

**Inspectors**

**9.** The Secretary of State may authorise in writing a person (an “inspector”) to exercise the powers under regulations 10 and 11.

**Powers of entry**

**10.**—(1) An inspector may, on serving reasonable notice, enter the premises of a Union importer at any reasonable hour for the purpose of carrying out the Secretary of State's functions under these Regulations, except premises used wholly or mainly as a private dwelling house.

(2) The requirement to serve a notice under paragraph (1) does not apply—

- (a) where reasonable efforts to agree an appointment have failed; or
- (b) where an inspector reasonably believes that it would defeat the object of the entry.

(3) When entering premises under paragraph (1), an inspector —

- (a) must, if requested, produce a duly authenticated authorisation document;
- (b) may be accompanied by a representative of the Union importer; and
- (c) may bring onto the premises such equipment as the inspector considers necessary.

### **Powers of inspection**

- 11.** An inspector who has entered the premises in exercise of a power under regulation 10, may—
- (a) have access to, inspect, and copy documents, records or other information, in whatever form they are held, and remove them to enable them to be copied;
  - (b) require the production of, and inspect and check the data on, and operation of, any computer and any associated apparatus used in connection with such documents, records or other information, and require computer records to be produced in a form in which they may be easily accessed and taken away by the inspector; or
  - (c) require any person to provide any assistance as may be considered necessary by the Secretary of State for the purposes of carrying out the Secretary of State's functions under these Regulations.

### **Restrictions**

- 12.** The powers contained in these Regulations shall not be taken as—
- (a) requiring a person to produce any document or information which that person would be entitled to refuse to produce in any proceedings in any court on the grounds that it is the subject of legal professional privilege; or
  - (b) authorising the Secretary of State to take possession of any document or information which is in the possession of a person who would be so entitled.
- 13.** Nothing in these Regulations requires a person to answer any question or give any information if to do so might incriminate that person.