

## SCHEDULES

### SCHEDULE 2

#### APPLICATIONS AND MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 2

##### MINOR AND CONSEQUENTIAL AMENDMENTS

- 13 (1) In each of the provisions mentioned in sub-paragraph (2) (which confer powers to require the production of information contained in a computer in a visible and legible form)—
- (a) for “contained in a computer” there shall be substituted “stored in any electronic form”; and
  - (b) after “in which it is visible and legible” there shall be inserted “or from which it can readily be produced in a visible and legible form”.
- (2) Those provisions are—
- (a) sections 19(4) and 20(1) of the 1984 Act;
  - (b) Articles 21(4) and 22(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12));
  - (c) section 43(5)(aa) of the Gaming Act 1968 (c. 65);
  - (d) section 20C(3A) of the Taxes Management Act 1970 (c. 9);
  - (e) section 118D(4) of the Customs and Excise Management Act 1979 (c. 2);
  - (f) paragraph 11(4) of Schedule 11 to the Value Added Tax Act 1994 (c. 23);
  - (g) paragraph 4A(4) of Schedule 7 to the Finance Act 1994 (c. 9);
  - (h) paragraph 7(4) of Schedule 5 to the Finance Act 1996 (c. 8);
  - (i) paragraph 131(4) of Schedule 6 to the Finance Act 2000 (c. 17).
- 14 In paragraph 5 of Schedule 1 to each of the 1984 Act and the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12)) (power to require the production of information contained in a computer in a visible and legible form)—
- (a) for “contained in a computer” there shall be substituted “stored in any electronic form”; and
  - (b) in paragraph (a), after “in which it is visible and legible” there shall be inserted “or from which it can readily be produced in a visible and legible form”.
- 15 In section 46(3) of the Firearms Act 1968 (c. 27) (power to require the production of information kept by means of a computer in a visible and legible form)—
- (a) for “kept by means of a computer” there shall be substituted “stored in any electronic form”; and
  - (b) after “in which it is visible and legible” there shall be inserted “or from which it can readily be produced in a visible and legible form”.

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*Status: This is the original version (as it was originally enacted).*

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- 16 (1) In each of the provisions mentioned in sub-paragraph (2) (which confer power to require the production in legible form of information recorded otherwise than in legible form), after “information in legible form” there shall be inserted “, or in a form from which it can readily be produced in visible and legible form”.
- (2) Those provisions are—
- (a) section 44(6) of the Insurance Companies Act 1982 (c. 50);
  - (b) the definition of “documents” in section 105(9) of the Financial Services Act 1986 (c. 60);
  - (c) section 177(10) of that Act;
  - (d) the definition of “documents” in section 106(1) of the Banking Act 1987 (c. 22);
  - (e) section 40(5)(b) of the Human Fertilisation and Embryology Act 1990 (c. 37);
  - (f) the definition of “documents” in section 417(1) of the Financial Services and Markets Act 2000 (c. 8).
- 17 In sections 434(6) and 447(9) of the Companies Act 1985 (c. 6) and Articles 427(6) and 440(9) of the Companies (Northern Ireland) Order 1986 (S.I. 1986 1032 (N.I. 6)) (power to require the production in legible form of information recorded otherwise than in legible form), at the end there shall be inserted “, or in a form from which it can readily be produced in visible and legible form”.
- 18 In section 32 of the Food Safety Act 1990 (c. 16) (powers of entry), in subsections (5) and (6)(b), for “kept by means of a computer” there shall be substituted “stored in any electronic form”.
- 19 In Article 33 of the Food Safety (Northern Ireland) Order 1991 (S.I. 1991 762 (N.I. 7)) (powers of entry), in paragraphs (6) and (7)(b), for “kept by means of a computer” there shall be substituted “stored in any electronic form”.
- 20 In paragraph 3(1)(b) of the Schedule to the Property Misdescriptions Act 1991 (c. 29) and paragraph 3(1)(b) of Schedule 2 to the Timeshare Act 1992 (c. 35) (powers to require the production of information contained in a computer in a visible and legible documentary form)—
- (a) after “form” there shall be inserted “or from which it can readily be produced in a visible and legible form”; and
  - (b) for “contained in a computer” there shall be substituted “stored in any electronic form”.
- 21 In sections 27(5)(e) and 28(2)(f) of the Competition Act 1998 (c. 41) (power to require the production of information held in a computer in a visible and legible form)—
- (a) for “held in a computer” there shall be substituted “stored in any electronic form”; and
  - (b) after “in which it is visible and legible” there shall be inserted “or from which it can readily be produced in a visible and legible form”.
- 22 In section 8(2)(c) of the Nuclear Safeguards Act 2000 (c. 5) (power to require the production of information which is held in electronic form in a form in which it can be read and copied), after “copy it” there shall be inserted “, or from which it can readily be produced in a form in which he can read and copy it”.
- 23 In section 2 of the Criminal Justice Act 1987 (c. 38) (investigation powers of the Director of the Serious Fraud Office), after subsection (8C) there shall be inserted—

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- “(8D) The references in subsections (8A) to (8C) above to evidence obtained by the Director include references to evidence obtained by him by virtue of the exercise by a constable, in the course of a search authorised by a warrant issued under subsection (4) above, of powers conferred by section 50 of the Criminal Justice and Police Act 2001.”
- 24 In section 7 of the Criminal Justice (International Co-operation) Act 1990 (c. 5) (search etc. for material relevant to overseas investigation), after subsection (8) there shall be inserted—
- “(8A) Subject to subsection (8B) below, the reference in subsection (4) above to evidence seized by a constable by virtue of this section shall be taken to include a reference to evidence seized by a constable by virtue of the exercise, in the course of a search authorised by a warrant issued by virtue of this section, of powers conferred by section 50 of the Criminal Justice and Police Act 2001.
- (8B) Nothing in subsection (8A) above requires any evidence to be furnished to the Secretary of State—
- (a) before it has been found, on the completion of any examination required to be made by arrangements under subsection (2) of section 53 of the Criminal Justice and Police Act 2001, to be property which falls within subsection (3) of that section (property which may be retained after examination); or
- (b) at a time when it constitutes property in respect of which a person is required to ensure that arrangements such as are mentioned in section 61(1) of that Act (duty to secure) are in force.”
- 25 In section 8 of the Criminal Justice (International Co-operation) Act 1990 (which makes similar provision for Scotland) after subsection (6) there shall be added—
- “(7) Subject to subsection (8) below, the reference in subsection (2) above to evidence seized by a constable by virtue of this section shall be taken to include a reference to evidence seized by a constable by virtue of the exercise, in the course of a search authorised by a warrant issued by virtue of this section, of powers conferred by section 50 of the Criminal Justice and Police Act 2001.
- (8) Nothing in subsection (7) above requires any evidence to be furnished to the Lord Advocate—
- (a) before it has been found, on the completion of any examination required to be made by arrangements under subsection (2) of section 53 of the Criminal Justice and Police Act 2001, to be property which falls within subsection (3) of that section (property which may be retained after examination); or
- (b) at a time when it constitutes property in respect of which a person is required to ensure that arrangements such as are mentioned in section 61(1) of that Act (duty to secure) are in force.”
- 26 Section 426 of the Financial Services and Markets Act 2000 (c. 8) (consequential and supplementary provision) shall have effect as if the provisions referred to in subsection (2)(b) of that section included the provisions of this Part of this Act.
- 27 In paragraph 29(1)(a) of Schedule 5 to the Terrorism Act 2000 (c. 11) (conditions for grant of warrant), for “28” there shall be substituted “22”.