

*These notes refer to the Insolvency Act 2000 (c.39)
which received Royal Assent on 30 November 2000*

INSOLVENCY ACT 2000

EXPLANATORY NOTES

BACKGROUND

Restriction on use of answers obtained under compulsion

11. Section 219 of the Insolvency Act 1986 allows answers obtained under powers of compulsion, derived from the Companies Act 1985, to be used as evidence against that person. This is not compatible with the judgment of the ECHR in the case of *Saunders v. UK*. The Court decided that for the prosecution to use answers given pursuant to a power of compulsion in subsequent criminal proceedings infringed Mr Saunders' rights under Article 6 of the European Convention on Human Rights. The Act therefore amends section 219 to make it compatible with the Convention.