

SCHEDULES

SCHEDULE 2

Section 70

APPLICATIONS AND MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

APPLICATION OF ENACTMENTS

Notice of tests

^{F1}1

Textual Amendments

^{F1}Sch. 2 para. 1 omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(2\)](#); [S.I. 2015/1630](#), art. 3(i) (with art. 8)

- 2 Section 31 of the Fair Trading Act 1973 (c. 41) (notice of test) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 29(1) of that Act as it applies in relation to items seized in pursuance of Part 2 of that Act.
- 3 Section 30(6) and (7) of the Consumer Protection Act 1987 (c. 43) (provision about the testing of seized goods) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section [^{F2}29(4)] of that Act as it applies in relation to items seized under section [^{F2}29(4)] of that Act.

Textual Amendments

^{F2}Word in Sch. 2 para. 3 substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(3\)](#); [S.I. 2015/1630](#), art. 3(i)

^{F3}4

Textual Amendments

^{F3}Sch. 2 para. 4 repealed (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, [Sch. 4 Pt. 1](#) (with reg. 28(2)(3))

- [^{F4}4A Regulation 23(6) of the General Product Safety Regulations 2005 (provision about the testing of seized products) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by regulation [^{F5}22(4)] of

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those Regulations as it applies in relation to items seized under regulation [^{F6}22(4)]
of those Regulations.]

Textual Amendments

- F4** Sch. 2 para. 4A inserted (1.10.2005) by [The General Product Safety Regulations 2005 \(S.I. 2005/1803\)](#), [reg. 47\(5\)\(a\)](#) (with [regs. 42, 43](#))
- F5** Word in Sch. 2 para. 4A substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(4\)\(a\)](#); [S.I. 2015/1630](#), art. 3(i)
- F6** Word in Sch. 2 para. 4A substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(4\)\(b\)](#); [S.I. 2015/1630](#), art. 3(i)

^{F7}4B

Textual Amendments

- F7** Sch. 2 para. 4B omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(2\)](#); [S.I. 2015/1630](#), art. 3(i) (with art. 8)

^{F8}4C.

Textual Amendments

- F8** Sch. 2 para. 4C omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(2\)](#); [S.I. 2015/1630](#), art. 3(i) (with art. 8)

[^{F9}4D Paragraph 39 of Schedule 5 to the Consumer Rights Act 2015 (notice of testing of goods) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by paragraph 28(1) of that Schedule as it applies in relation to goods seized under that paragraph.

Textual Amendments

- F9** Sch. 2 paras. 4D, 4E inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(5\)](#); [S.I. 2015/1630](#), art. 3(i)

Access to seized items

4E Subject to section 61 of this Act, paragraph 38 of Schedule 5 to the Consumer Rights Act 2015 (access to seized goods and documents) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by paragraph 28(1) or 29(1) of that Schedule as it applies in relation to things seized under Part 4 of that Schedule.]

Textual Amendments

- F9** Sch. 2 paras. 4D, 4E inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(5\)](#); [S.I. 2015/1630](#), art. 3(i)

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Access to seized items

F105

Textual Amendments

F10 Sch. 2 para. 5 omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(2\)](#); S.I. 2015/1630, art. 3(i) (with art. 8)

Compensation for seizure and detention

6 Section 32 of the Fair Trading Act 1973 (c. 41) (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section 29(1) of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section 29 of that Act.

F117

Textual Amendments

F11 Sch. 2 para. 7 omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(2\)](#); S.I. 2015/1630, art. 3(i) (with art. 8)

8 Section 34 of the Consumer Protection Act 1987 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section ^{F12}29(4) of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section ^{F12}29(4) of that Act.

Textual Amendments

F12 Word in Sch. 2 para. 8 substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(6\)](#); S.I. 2015/1630, art. 3(i)

F139

Textual Amendments

F13 Sch. 2 para. 9 repealed (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, [Sch. 4 Pt. 1](#) (with reg. 28(2)(3))

^{F14}9A Regulation 26 of the General Product Safety Regulations 2005 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by regulation ^{F15}22(4) of those Regulations, and the retention of ^{F16}those items, as it applies to the seizure and detention of products under regulation 22(4) of those Regulations.]]

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Textual Amendments

- F14** Sch. 2 para. 9A inserted (1.10.2005) by [The General Product Safety Regulations 2005 \(S.I. 2005/1803\)](#), [reg. 47\(5\)\(b\)](#) (with [regs. 42, 43](#))
- F15** Word in Sch. 2 para. 9A substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(7\)\(a\)](#); [S.I. 2015/1630](#), art. 3(i)
- F16** Words in Sch. 2 para. 9A substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(7\)\(b\)](#); [S.I. 2015/1630](#), art. 3(i)

F179B

Textual Amendments

- F17** Sch. 2 para. 9B omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(2\)](#); [S.I. 2015/1630](#), art. 3(i) (with art. 8)

F189C

Textual Amendments

- F18** Sch. 2 para. 9C omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(2\)](#); [S.I. 2015/1630](#), art. 3(i) (with art. 8)

[F199D Paragraph 41 of Schedule 5 to the Consumer Rights Act 2015 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by paragraph 28(1) or 29(1) of that Schedule, and the retention of those items, as it applies in relation to the seizure and detention of goods under Part 4 of that Schedule.]

Textual Amendments

- F19** Sch. 2 para. 9D inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 66\(8\)](#); [S.I. 2015/1630](#), art. 3(i)

Forfeiture of seized items

- 10 (1) The provisions mentioned in sub-paragraph (2) (which are about the forfeiture etc. of items which have been seized) shall apply in relation to an item seized under section 50 as if the item had been seized under the power of seizure in reliance on which it was seized.
- (2) Those provisions are—
- (a) section 3(3) of the Obscene Publications Act 1959 (c. 66);
 - (b) **F20**
 - (c) **F20**
 - (d) sections 7(2) and 24(2) of the Forgery and Counterfeiting Act 1981 (c. 45).

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Textual Amendments

- F20** Sch. 2 para. 10(2)(b)(c) repealed (1.4.2008) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 15 Pt. 4](#); [S.I. 2008/790](#), art. 3(c)

Disclosure of information

- 11 Any provision which—
- (a) restricts the disclosure, or permits the disclosure only for limited purposes or in limited circumstances, of information obtained through the exercise of a power of seizure specified in Part 1 or 2 of Schedule 1, or
 - (b) confers power to make provision which does either or both of those things, shall apply in relation to information obtained under section 50 or 51 in reliance on the power in question as it applies in relation to information obtained through the exercise of that power.

Interpretation

- 12 For the purposes of this Part of this Schedule, an item is seized, or information is obtained, under section 50 or 51 in reliance on a power of seizure if the item is seized, or the information obtained, in exercise of so much of any power conferred by that section as is exercisable by reference to that power of seizure.

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) ^{F21}
 - (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).

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Textual Amendments

F21 Sch. 2 para. 13(2)(d) repealed (8.11.2007) by [Finance Act 2007 \(c. 11\)](#), ss. 84(5), 114, [Sch. 27 Pt. 5\(1\)](#); [S.I. 2007/3166](#), art. 2(c)

- 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 ”.
- 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—
- ^{F22}(a)
 - ^{F22}(b)
 - ^{F22}(c)
 - ^{F22}(d)
 - ^{F23}(e)
 - (f) the definition of “documents” in section 417(1) of the Financial Services and Markets Act 2000 (c. 8).

Textual Amendments

F22 Sch. 2 para. 16(a)-(d) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 364(f)

F23 Sch. 2 para. 16(2)(e) repealed (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 8 Pt. 1](#); [S.I. 2009/2232](#), art. 2(z)

^{F24}17

Textual Amendments

F24 Sch. 2 para. 17 repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), s. 1300(2), [Sch. 16](#); [S.I. 2008/2860](#), art. 4, [Sch. 1 Pt. 1](#) (with [arts. 78Sch. 2](#)) (which transitional provisions in Sch. 2 are amended (1.10.2009) by [S.I. 2009/2476](#), arts. 1(3), 2(3)(4) and by [S.I. 2009/1802](#), arts. 1, 18, Sch.)

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- 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 ”.
- F2520

Textual Amendments

F25 Sch. 2 para. 20 omitted (1.10.2013) by virtue of [The Property Misdescriptions Act 1991 \(Repeal\) Order 2013 \(S.I. 2013/1575\)](#), art. 1, [Sch. para. 7](#)

- 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—
- “(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

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- (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 ”.

Changes to legislation:

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