

SCHEDULES

SCHEDULE 5

INVESTIGATORY POWERS ETC.

PART 3

POWERS IN RELATION TO THE PRODUCTION OF INFORMATION

Procedure for notice under paragraph 14

- 15 (1) A notice under paragraph 14 must be in writing and specify the purpose for which the information is required.
- (2) If the purpose is to enable a person to exercise or to consider whether to exercise a function, the notice must specify the function concerned.
- (3) The notice may specify—
- (a) the time within which and the manner in which the person to whom it is given must comply with it;
 - (b) the form in which 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 enforcer or an officer of the enforcer.
- (5) A requirement to provide information or create a document is a requirement to do so in a legible form.
- (6) A notice under paragraph 14 does not require a person to provide any information or create any documents which the person would be entitled to refuse to provide or produce—
- (a) in proceedings in the High Court on the grounds of legal professional privilege, or
 - (b) in proceedings in the Court of Session on the grounds of confidentiality of communications.
- (7) In sub-paragraph (6) “communications” means—
- (a) communications between a professional legal adviser and the adviser’s client, or
 - (b) communications made in connection with or in contemplation of legal proceedings or for the purposes of those proceedings.