

## SCHEDULES

### SCHEDULE 5

#### INVESTIGATORY POWERS ETC.

#### PART 4

#### FURTHER POWERS EXERCISABLE BY DOMESTIC ENFORCERS AND EU ENFORCERS

##### *Power to require the production of documents*

- 27 (1) The officer may, at any reasonable time—
- (a) require a trader occupying the premises, or a person on the premises acting on behalf of such a trader, to produce any documents relating to the trader's business to which the trader has access, and
  - (b) take copies of, or of any entry in, any such document.
- (2) The power in sub-paragraph (1) is available regardless of whether—
- (a) the purpose for which the documents are required relates to the trader or some other person, or
  - (b) the proceedings referred to in paragraph 19(3)(b) or 20(4)(b) could be taken against the trader or some other person.
- (3) That power includes power to require the person to give an explanation of the documents.
- (4) Where a document required to be produced under sub-paragraph (1) contains information recorded electronically, the power in that sub-paragraph includes power to require the production of a copy of the document in a form in which it can easily be taken away and in which it is visible and legible.
- (5) This paragraph does not permit an officer to require a person to create a document other than as described in sub-paragraph (4).
- (6) This paragraph does not permit an officer to require a person to produce any document which the person would be entitled to refuse to 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.

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*Status: This is the original version (as it was originally enacted).*

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(8) In this paragraph “trader” has the same meaning as in Part 1 of this Act.