

SCHEDULE 1

Article 12

Evidence and Information

1. The Treasury must take such steps as they consider appropriate to cooperate with any domestic or international investigation relating to the funds, economic resources or financial transactions of—

- (a) a designated person;
- (b) a person owned or controlled, directly or indirectly, by a designated person; and
- (c) a person acting on behalf or at the direction of a designated person.

2.—(1) A relevant institution must as soon as practicable inform the Treasury if it knows or suspects that a relevant person—

- (a) is a designated person;
- (b) is a person owned or controlled, directly or indirectly, by a designated person;
- (c) is a person acting on behalf or at the direction of a designated person; or
- (d) has committed an offence under article 6, 7, 8, 10 or 11.

(2) A relevant institution, where it informs the Treasury under sub-paragraph (1), must state—

- (a) the information or other matter on which the knowledge or suspicion is based;
- (b) any information it holds about the relevant person by which the person can be identified; and
- (c) the nature and amount or quantity of any funds or economic resources held by the relevant institution for the relevant person since the 2002 Order came into force⁽¹⁾.

(3) A relevant institution that fails to comply with a requirement in paragraph (1) or (2) is guilty of an offence.

(4) In this paragraph, “relevant person” means—

- (a) a customer of the institution;
- (b) a person who has been a customer of the institution since the 2002 Order came into force; or
- (c) a person with whom the institution has had dealings in the course of its business since then.

3.—(1) The Treasury may request any person in or resident in the United Kingdom to give to them any information or to produce to them any document in his possession or control which they may require for the purpose of—

- (a) ensuring compliance with or detecting evasion of this Order;
- (b) obtaining evidence of the commission of an offence under this Order;
- (c) establishing the nature and amount or quantity of any funds or economic resources owned, held or controlled, directly or indirectly, by a designated person; or
- (d) establishing the nature of any financial transactions entered into by, on behalf of or at the direction of a designated person.

(2) This includes power to—

- (a) take copies of or extracts from any document so produced;
- (b) request any person producing a document to give an explanation of it; and
- (c) where that person is a body corporate, request any person who is a present or past officer of, or employee of, the body corporate to give such an explanation.

(1) The Order referred to came into force on 25th January 2002.

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(3) Any person to whom a request is made must comply with it within such time and in such manner as may be specified in the request.

(4) Nothing in this paragraph shall be taken to require any person who has acted as counsel or solicitor for any person to give or produce any privileged information or document in his possession in that capacity.

4. A person is guilty of an offence if he—

- (a) without reasonable excuse refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under paragraph 3;
- (b) knowingly or recklessly gives any information or produces any document which is false in a material particular in response to such a request;
- (c) otherwise wilfully obstructs the Treasury in the exercise of their powers under this Schedule; or
- (d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, conceals or removes any document.

5. Where a person is convicted of an offence under paragraph 4(a), the court may make an order requiring him, within such period as may be specified in the order, to give the requested information or to produce the requested document.

6.—(1) The Treasury may only disclose any information given or document produced under this Schedule (including any copy or extract made of any such document)—

- (a) to a police officer;
- (b) to any person holding or acting in any office under or in the service of—
 - (i) the Crown in respect of the Government of the United Kingdom;
 - (ii) the Government of the Isle of Man;
 - (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
 - (iv) the State of Jersey;
 - (v) any British overseas territory;
- (c) for the purpose of giving assistance or cooperation, pursuant to the Security Council Resolutions, to—
 - (i) any organ of the United Nations;
 - (ii) any person in the service of the United Nations, the Council of the European Union, the European Commission or the government of any country;
- (d) with a view to instituting, or otherwise for the purposes of, any proceedings—
 - (i) in the United Kingdom, for an offence under this Order; or
 - (ii) in any of the Channel Islands, the Isle of Man or any British overseas territory, for an offence under a similar provision in any such jurisdiction; or
- (e) with the consent of a person who, in his own right, is entitled to the information or to the possession of the document, to any third party.

(2) In this paragraph, “in his own right” means not merely in the capacity as a servant or agent of another person.

7. An action done under this Schedule is not to be treated as a breach of any restriction imposed by statute or otherwise.

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