

SCHEDULE 4

Powers of entry in misuse of aid examinations

PART 5

General

Self-incrimination

16. A statement made by a person in response to a requirement imposed under this Schedule may only be used in evidence against that person—

- (a) on a prosecution for an offence under paragraph 15; or
- (b) on a prosecution for any other offence where—
 - (i) in giving evidence that person makes a statement inconsistent with the statement made in response to a requirement under this Schedule; and
 - (ii) evidence relating to the statement made in response to a requirement under this Schedule is adduced, or a question relating to it is asked, by that person or on that person's behalf.

Privileged communication

17.—(1) A person is not required under this Schedule to produce or disclose a privileged communication.

(2) In this paragraph, “privileged communication” means a communication—

- (a) that is—
 - (i) between a professional legal adviser and the adviser's client; or
 - (ii) made in connection with, or in contemplation of, legal proceedings and for the purposes of those legal proceedings; and
- (b) which in proceedings in the court would be protected from disclosure on grounds of legal professional privilege.

(3) In application of this paragraph to Scotland, references to legal professional privilege are to be read as references to confidentiality of communications.