

---

**Changes to legislation:** Emergency Laws (Re-enactments and Repeals) Act 1964, SCHEDULE 1 is up to date with all changes known to be in force on or before 09 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

## SCHEDULES

### SCHEDULE 1

Sections 1 and 3 to 6.

#### PRODUCTION OF DOCUMENTS

- 1 (1) For the purposes—
- (a) of securing compliance with any order made or direction given under the relevant section of this Act by or on behalf of a competent authority, or
  - (b) of verifying any estimates, returns or information furnished to a competent authority in connection with the relevant section of this Act or any order made or direction given thereunder,
- an officer of a competent authority duly authorised in that behalf shall have power, on producing (if required to do so) evidence of his authority, to require any person carrying on an undertaking or employed in connection with an undertaking to produce to the officer forthwith any documents relating to the undertaking which the officer may reasonably require for the purposes set out above in this paragraph.
- (2) The power conferred by this paragraph to require any person to produce documents shall include power—
- (a) if the documents are produced—
    - (i) to take copies of them or extracts from them, and
    - (ii) to require that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them,
  - (b) if the documents are not produced, to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.
- (3) If any requirement to produce documents or provide an explanation or make a statement which is imposed by virtue of this paragraph is not complied with, the person on whom the requirement was so imposed shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding [F<sup>1</sup>level 3 on the standard scale], or to both:

Provided that where a person is charged with an offence under this sub-paragraph in respect of a requirement to produce any documents, it shall be a defence to prove that they were not in his possession or under his control and that it was not reasonably practicable for him to comply with the requirements.

#### Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c.48, SIF 39:1\)](#), [ss. 38, 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) by [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

- 2 (1) If a justice of the peace is satisfied on information on oath laid on behalf of a competent authority, that there are any reasonable grounds for suspecting that there are on any premises any documents of which production has been required by virtue

---

**Changes to legislation:** Emergency Laws (Re-enactments and Repeals) Act 1964, SCHEDULE 1 is up to date with all changes known to be in force on or before 09 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

of the foregoing paragraph and which have not been produced in compliance with that requirement, the justice may issue a warrant authorising any constable together with any other persons named in the warrant and any other constables, to enter the premises specified in the information (using such force as is reasonably necessary for the purpose) and to search the premises and take possession of any documents appearing to be such documents as aforesaid, or to take in relation to any documents so appearing any other steps which may appear necessary for preserving them and preventing interference with them.

- (2) Every warrant issued under this paragraph shall continue in force until the end of the period of one month after the date on which it is issued.
- (3) Any documents of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for an offence under this Act to which they are relevant, until the conclusion of those proceedings.
- (4) Any person who obstructs the exercise of any right of entry or search conferred by virtue of a warrant under this paragraph, or who obstructs the exercise of any rights so conferred to take possession of any documents, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale], or to both.
- (5) In the application of this section to Scotland, any reference to a justice of the peace includes a reference to the sheriff and to a magistrate.

---

#### Textual Amendments

**F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c.48, SIF 39:1\)](#), [ss. 38, 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) by [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

- 3 In this Schedule—
  - “competent authority” means a Minister of the Crown, and any authority or person on whom by virtue of the relevant section of this Act powers have been conferred by order of any such competent authority as aforesaid;
  - “the relevant section of this Act” means any section of this Act applying this Schedule.
- 4 It is hereby declared that this Schedule is contained in Part I of this Act.

**Changes to legislation:**

Emergency Laws (Re-enactments and Repeals) Act 1964, SCHEDULE 1 is up to date with all changes known to be in force on or before 09 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 1 para. 1(3) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- Sch. 1 para. 2(4) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)