



Protection of Trading Interests Act 1980

1980 CHAPTER 11

2 Documents and information required by overseas courts and authorities.

- (1) If it appears to the Secretary of State—
- (a) that a requirement has been or may be imposed on a person or persons in the United Kingdom to produce to any court, tribunal or authority of an overseas country any commercial document which is not within the territorial jurisdiction of that country or to furnish any commercial information to any such court, tribunal or authority; or
 - (b) that any such authority has imposed or may impose a requirement on a person or persons in the United Kingdom to publish any such document or information,
- the Secretary of State may, if it appears to him that the requirement is inadmissible by virtue of subsection (2) or (3) below, give directions for prohibiting compliance with the requirement.
- (2) A requirement such as is mentioned in subsection (1)(a) or (b) above is inadmissible—
- (a) if it infringes the jurisdiction of the United Kingdom or is otherwise prejudicial to the sovereignty of the United Kingdom; or
 - (b) if compliance with the requirement would be prejudicial to the security of the United Kingdom or to the relations of the government of the United Kingdom with the government of any other country.
- (3) A requirement such as is mentioned in subsection (1)(a) above is also inadmissible—
- (a) if it is made otherwise than for the purposes of civil or criminal proceedings which have been instituted in the overseas country; or
 - (b) if it requires a person to state what documents relevant to any such proceedings are or have been in his possession, custody or power or to produce for the purposes of any such proceedings any documents other than particular documents specified in the requirement.
- (4) Directions under subsection (1) above may be either general or special and may prohibit compliance with any requirement either absolutely or in such cases or subject to such conditions as to consent or otherwise as may be specified in the directions; and

Changes to legislation: There are currently no known outstanding effects for the Protection of Trading Interests Act 1980, Section 2. (See end of Document for details)

general directions under that subsection shall be published in such manner as appears to the Secretary of State to be appropriate.

- (5) For the purposes of this section the making of a request or demand shall be treated as the imposition of a requirement if it is made in circumstances in which a requirement to the same effect could be or could have been imposed; and
- (a) any request or demand for the supply of a document or information which, pursuant to the requirement of any court, tribunal or authority of an overseas country, is addressed to a person in the United Kingdom; or
 - (b) any requirement imposed by such a court, tribunal or authority to produce or furnish any document or information to a person specified in the requirement, shall be treated as a requirement to produce or furnish that document or information to that court, tribunal or authority.
- (6) In this section “commercial document” and “commercial information” mean respectively a document or information relating to a business of any description and “document” includes any record or device by means of which material is recorded or stored.

Modifications etc. (not altering text)

C1 S. 2 excluded (28.1.1997) by S.I. 1996/3171, art. 3(1)

Changes to legislation:

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