



Companies Act 1985

1985 CHAPTER 6

PART XIV

INVESTIGATION OF COMPANIES AND THEIR AFFAIRS; REQUISITION OF DOCUMENTS

Requisition and seizure of books and papers

[^{F1}448A Protection in relation to certain disclosures: information provided to Secretary of State

- (1) A person who makes a relevant disclosure is not liable by reason only of that disclosure in any proceedings relating to a breach of an obligation of confidence.
- (2) A relevant disclosure is a disclosure which satisfies each of the following conditions—
 - (a) it is made to the Secretary of State otherwise than in compliance with a requirement under this Part;
 - (b) it is of a kind that the person making the disclosure could be required to make in pursuance of this Part;
 - (c) the person who makes the disclosure does so in good faith and in the reasonable belief that the disclosure is capable of assisting the Secretary of State for the purposes of the exercise of his functions under this Part;
 - (d) the information disclosed is not more than is reasonably necessary for the purpose of assisting the Secretary of State for the purposes of the exercise of those functions;
 - (e) the disclosure is not one falling within subsection (3) or (4).
- (3) A disclosure falls within this subsection if the disclosure is prohibited by virtue of any enactment [^{F2}whenever passed or made].
- (4) A disclosure falls within this subsection if—
 - (a) it is made by a person carrying on the business of banking or by a lawyer, and
 - (b) it involves the disclosure of information in respect of which he owes an obligation of confidence in that capacity.

Changes to legislation: There are currently no known outstanding effects for the Companies Act 1985, Section 448A. (See end of Document for details)

[^{F3}(5) In this section “enactment” has the meaning given by section 1293 of the Companies Act 2006.]]

Textual Amendments

- F1** S. 448A inserted (6.4.2005) by [Companies \(Audit, Investigations and Community Enterprise\) Act 2004 \(c. 27\)](#), [ss. 22, 65](#); S.I. 2004/3322, [art. 2\(2\)](#), Sch. 2 (subject to arts. 3-13)
- F2** Words in s. 448A(3) inserted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 57\(6\)\(a\)](#)
- F3** S. 448A(5) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 57\(6\)\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 448A applied (with modifications) (E.W.S.) (6.4.2014) by [The Co-operative and Community Benefit Societies and Credit Unions \(Investigations\) Regulations 2014 \(S.I. 2014/574\)](#), regs. 1(1), [2](#)

Changes to legislation:

There are currently no known outstanding effects for the Companies Act 1985, Section 448A.