
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 3

RESTRICTION ON USE OF ANSWERS ETC. OBTAINED UNDER COMPULSION

Companies Act 1985 (c. 6)

- 4 The Companies Act 1985 is amended as follows.
- 5 In section 434 (production of documents and evidence to inspectors conducting investigations into companies), after subsection (5) (use of answers given to inspectors) insert—
- “(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—
- (a) no evidence relating to the answer may be adduced, and
 - (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (5B) Subsection (5A) applies to any offence other than—
- (a) an offence under section 2 or 5 of the Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath); or
 - (b) an offence under section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath).”

6 In section 447 (production of company documents to Secretary of State), after subsection (8) (use of statements made under the section) insert—

“(8A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

 - (a) no evidence relating to the statement may be adduced, and
 - (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(8B) Subsection (8A) applies to any offence other than—

 - (a) an offence under subsection (6) or section 451;
 - (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath); or
 - (c) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath).”