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STATUTORY INSTRUMENTS

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**2013 No. 971**

The Offshore Combustion Installations (Pollution  
Prevention and Control) Regulations 2013

PART 6

Enforcement, appeals, and offences

**Admissible evidence**

**26.**—(1) An answer given by a person in compliance with a requirement imposed under regulation 25 is admissible in evidence in England and Wales or Northern Ireland against that person in any proceedings or, in Scotland, against that person in criminal proceedings.

(2) In criminal proceedings in which such person as is mentioned in paragraph (1) is charged with an offence to which this paragraph applies, no evidence relating to that person's answer may be adduced and no question relating to it may be asked by or on behalf of the prosecution unless evidence relating to it is adduced by or on behalf of that person.

(3) Paragraph (2) applies to any offence other than one under—

- (a) regulation 34(2)(b);
- (b) section 5 of the Perjury Act 1911<sup>(1)</sup>(false statements made otherwise than on oath);
- (c) section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995<sup>(2)</sup>(false statements made otherwise than on oath); or
- (d) article 10 of the Perjury (Northern Ireland) Order 1979<sup>(3)</sup>(false statutory declarations and other false unsworn statements).

(4) Nothing in regulation 25 compels the production by any person of a document which—

- (a) except in relation to Scotland, that person would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the County Court, High Court or High Court in Northern Ireland; or
- (b) in relation to Scotland, contains confidential information made by or to an advocate or solicitor in that capacity and which that person would be entitled to withhold production on an order for the production of documents in an action in the Court of Session.

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<sup>(1)</sup> 1911 c. 6.

<sup>(2)</sup> 1995 c. 39.

<sup>(3)</sup> S.I. 1979/1714 (N.I. 19).