



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}449 Provision for security of information obtained.

- (1) This section applies to information (in whatever form) obtained—
 - (a) in pursuance of a requirement imposed under section 447;
 - (b) by means of a relevant disclosure within the meaning of section 448A(2);
 - (c) by an investigator in consequence of the exercise of his powers under section 453A.
- (2) Such information must not be disclosed unless the disclosure—
 - (a) is made to a person specified in Schedule 15C, or
 - (b) is of a description specified in Schedule 15D.
- (3) The Secretary of State may by order amend Schedules 15C and 15D.
- (4) An order under subsection (3) must not—
 - (a) amend Schedule 15C by specifying a person unless the person exercises functions of a public nature (whether or not he exercises any other function);
 - (b) amend Schedule 15D by adding or modifying a description of disclosure unless the purpose for which the disclosure is permitted is likely to facilitate the exercise of a function of a public nature.
- (5) An order under subsection (3) must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A person who discloses any information in contravention of this section [^{F2} is guilty of an offence.]

Changes to legislation: There are currently no known outstanding effects for the Companies Act 1985, Section 449. (See end of Document for details)

- [^{F3}(6A) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);
 - (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum (or both);
 - (ii) in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum (or both).]
- (7) ^{F4}
- (8) Any information which may by virtue of this section be disclosed to a person specified in Schedule 15C may be disclosed to any officer or employee of the person.
- (9) This section does not prohibit the disclosure of information if the information is or has been available to the public from any other source.
- (10) For the purposes of this section, information obtained by an investigator in consequence of the exercise of his powers under section 453A includes information obtained by a person accompanying the investigator in pursuance of subsection (4) of that section in consequence of that person’s accompanying the investigator.
- (11) Nothing in this section authorises the making of a disclosure in contravention of [^{F5}the data protection legislation].]

Textual Amendments

- F1** S. 449 substituted (6.4.2005) by [Companies \(Audit, Investigations and Community Enterprise\) Act 2004 \(c. 27\), ss. 25, 65, Sch. 2 para. 18](#); S.I. 2004/3322, [art. 2\(2\)](#), Sch. 2 (subject to arts. 3-13)
- F2** Words in s. 449(6) substituted for s. 449(6)(a)(b) (1.10.2007) by [Companies Act 2006 \(c. 46\), ss. 1124, 1300, Sch. 3 para. 3\(2\)](#) (with s. 1133); S.I. 2007/2194, [art. 2\(1\)\(k\)](#) (with art. 12, Sch. 3 para. 48 and subject to Sch. 1)
- F3** S. 449(6A) inserted (1.10.2007) by [Companies Act 2006 \(c. 46\), ss. 1124, 1300, Sch. 3 para. 3\(3\)](#) (with s. 1133); S.I. 2007/2194, [art. 2\(1\)\(k\)](#) (with art. 12, Sch. 3 para. 48 and subject to Sch. 1)
- F4** S. 449(7) repealed (1.10.2007) by [Companies Act 2006 \(c. 46\), ss. 1124, 1295, 1300, Sch. 3 para. 3\(4\), Sch. 16](#) (with s. 1133); S.I. 2007/2194, arts. 2(1)(k), [8](#), Sch. 2 Pt. 1 (with art. 12, Sch. 3 para. 48 and subject to Sch. 1)
- F5** Words in s. 449(11) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 33](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

Modifications etc. (not altering text)

- C1** S. 449 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](#)
- C2** S. 449 extended (with modifications) by S.I. 1989/638, regs. 18, 21, [Sch. 4 para. 11](#)
- C3** S. 449 modified by [Companies Act 1989 \(c. 40, SIF 27\), ss. 88\(3\)\(b\)\(5\)\(6\)](#), 213(2)
- C4** S. 449 applied (with modifications) (6.4.2001) by S.I. 2001/1090, reg. 4, [Sch. 2 Pt. I](#)
- C5** S. 449 restricted (20.1.2007, 6.4.2007, 1.10.2007, 6.4.2008 for specified purposes) by [Companies Act 2006 \(c. 46\), ss. 1126, 1300](#) (with s. 1133); S.I. 2006/3428, [art. 3\(2\)\(b\)](#) (subject to art. 5, Sch. 1 and with arts. 6, 8, Sch. 5 (as amended by S.I. 2007/3495, art. 11, Sch. 5)); S.I. 2007/1093, [art. 2\(2\)\(c\)](#); S.I. 2007/2194, [art. 2\(1\)\(l\)\(3\)\(h\)](#) (with art. 12); S.I. 2007/3495, [art. 3\(1\)\(n\)](#) (with arts. 7, 12)

Changes to legislation:

There are currently no known outstanding effects for the Companies Act 1985, Section 449.