



Companies Act 1985

1985 CHAPTER 6

PART XIV

INVESTIGATION OF COMPANIES AND THEIR AFFAIRS; REQUISITION OF DOCUMENTS

Requisition and seizure of books and papers

452 Privileged information.

- (1) Nothing in sections 431 to 446 requires the disclosure to the Secretary of State or to an inspector appointed by him—
- (a) by any person of information which he would in an action in the High Court or the Court of Session be entitled to refuse to disclose on grounds of legal professional privilege except, if he is a lawyer, the name and address of his client,
 - (b)

F1

[^{F2}(1A) Nothing in section 434, 443 or 446 requires a person (except as mentioned in subsection (1B) below) to disclose information or produce documents in respect of which he owes an obligation of confidence by virtue of carrying on the business of banking unless—

- (a) the person to whom the obligation of confidence is owed is the company or other body corporate under investigation,
- (b) the person to whom the obligation of confidence is owed consents to the disclosure or production, or
- (c) the making of the requirement is authorised by the Secretary of State.

(1B) Subsection (1A) does not apply where the person owing the obligation of confidence is the company or other body corporate under investigation under section 431, 432 or 433.]

- (2) Nothing in sections 447 to 451 compels the production by any person of a document which he would in an action in the High Court or the Court of Session be entitled to

Status: Point in time view as at 01/12/2001. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Companies Act 1985, Section 452. (See end of Document for details)

refuse to produce on grounds of legal professional privilege, or authorises the taking of possession of any such document which is in the person's possession.

- (3) The Secretary of State shall not under section 447 require, or authorise an officer of his [^{F3}or other person] to require, the production by a person carrying on the business of banking of a document relating to the affairs of a customer of his unless either it appears to the Secretary of State that it is necessary to do so for the purpose of investigating the affairs of the first-mentioned person, [^{F4}or the customer is—
- (a) a person on whom a requirement has been imposed under that section, or
 - (b) a person on whom a requirement to produce information or documents has been imposed by the Secretary of State, or by a person appointed by the Secretary of State to conduct an investigation, under section 171 or 173 of the Financial Services and Markets Act 2000.]

Textual Amendments

- F1** S. 452(1)(b) repealed by [Companies Act 1989 \(c. 40, SIF 27\)](#), ss. 69(2), 212, 213(2), **Sch. 24**
- F2** S. 452(1A)(1B) inserted by [Companies Act 1989 \(c. 40, SIF 27\)](#), ss. **69(3)**, 213(2)
- F3** Words inserted by [Companies Act 1989 \(c. 40, SIF 27\)](#), ss. **69(4)**, 213(2)
- F4** S. 452(3)(a)(b) and words substituted (1.12.2001) for words in s. 452(3) by [S.I. 2001/3649](#), **art. 25**

Modifications etc. (not altering text)

- C1** S. 452 extended (with modifications) by [S.I. 1989/638](#), regs. 18, 21, **Sch. 4 para. 11**
- C2** S. 452 applied (with modifications) (6.4.2001) by [S.I. 2001/1090](#), reg. 4, **Sch. 2 Pt. I**

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Changes to legislation:

There are currently no known outstanding effects for the Companies Act 1985, Section 452.