

Status: Point in time view as at 01/03/2000.

Changes to legislation: Data Protection Act 1998, Paragraph 9 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

POWERS OF ENTRY AND INSPECTION

Modifications etc. (not altering text)

- C1** Sch. 9 applied (with modifications) (1.3.2000) by S.I. 1999/2093, reg. 34, **Sch. 3 para. 5(3)**
- C1** Sch. 9 extended (with modifications) (11.12.2003) by **The Privacy and Electronic Communications (EC Directive) Regulations 2003** (S.I. 2003/2426), **reg. 31**, Sch. 1 (with regs. 4, 15(3), 28, 29)

Matters exempt from inspection and seizure

- 9 (1) Subject to the provisions of this paragraph, the powers of inspection and seizure conferred by a warrant issued under this Schedule shall not be exercisable in respect of—
- (a) any communication between a professional legal adviser and his client in connection with the giving of legal advice to the client with respect to his obligations, liabilities or rights under this Act, or
 - (b) any communication between a professional legal adviser and his client, or between such an adviser or his client and any other person, made in connection with or in contemplation of proceedings under or arising out of this Act (including proceedings before the Tribunal) and for the purposes of such proceedings.
- (2) Sub-paragraph (1) applies also to—
- (a) any copy or other record of any such communication as is there mentioned, and
 - (b) any document or article enclosed with or referred to in any such communication if made in connection with the giving of any advice or, as the case may be, in connection with or in contemplation of and for the purposes of such proceedings as are there mentioned.
- (3) This paragraph does not apply to anything in the possession of any person other than the professional legal adviser or his client or to anything held with the intention of furthering a criminal purpose.
- (4) In this paragraph references to the client of a professional legal adviser include references to any person representing such a client.

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