
Changes to legislation: There are currently no known outstanding effects for the Companies (Audit, Investigations and Community Enterprise) Act 2004, Paragraph 21. (See end of Document for details)

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 1

PART 3

AMENDMENTS RELATING TO INVESTIGATIONS

Companies Act 1985 (c. 6)

- 21 In section 452—
- (a) for subsection (1) substitute—
 - “(1) Nothing in sections 431 to 446 compels the disclosure by any person to the Secretary of State or to an inspector appointed by him of information in respect of which in an action in the High Court a claim to legal professional privilege, or in an action in the Court of Session a claim to confidentiality of communications, could be maintained.”
 - (b) for subsections (2) and (3) substitute—
 - “(2) Nothing in sections 447 to 451—
 - (a) compels the production by any person of a document or the disclosure by any person of information in respect of which in an action in the High Court a claim to legal professional privilege, or in an action in the Court of Session a claim to confidentiality of communications, could be maintained;
 - (b) authorises the taking of possession of any such document which is in the person’s possession.
 - (3) The Secretary of State must not under section 447 require, or authorise a person to require—
 - (a) the production by a person carrying on the business of banking of a document relating to the affairs of a customer of his, or
 - (b) the disclosure by him of information relating to those affairs,unless one of the conditions in subsection (4) is met.
 - (4) The conditions are—
 - (a) the Secretary of State thinks it is necessary to do so for the purpose of investigating the affairs of the person carrying on the business of banking;

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- (b) the customer is a person on whom a requirement has been imposed under section 447;
- (c) the customer is a person on whom a requirement to produce information or documents has been imposed by an investigator appointed by the Secretary of State in pursuance of section 171 or 173 of the Financial Services and Markets Act 2000 (powers of persons appointed under section 167 or as a result of section 168(2) to conduct an investigation).

(5) Despite subsections (1) and (2) a person who is a lawyer may be compelled to disclose the name and address of his client.”

Commencement Information

II Sch. 2 para. 21 in force at 6.4.2005 by [S.I. 2004/3322](#), art. 2(2), **Sch. 2** (with arts. 4-13)

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