

SCHEDULE 6 U.K.

Powers of enforcement

PART 4 U.K.

The Secretary of State

SECTION 3

Miscellaneous

12. An answer given by a person in compliance with a requirement imposed under paragraph 1(i) 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.

13. In criminal proceedings in which such person as is mentioned in paragraph 12 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.

14. Paragraph 13 applies to any offence other than one under—

- (a) regulation 18(1)(e)(ii) of the Offshore Chemicals Regulations 2002⁽¹⁾(offences);
- (b) section 5 of the Perjury Act 1911⁽²⁾(false statements made otherwise than on oath);
- (c) section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995⁽³⁾(false statements made otherwise than on oath); or
- (d) article 10 of the Perjury (Northern Ireland) Order 1979⁽⁴⁾(false statutory declarations and other false unsworn statements).

15. Nothing in this Part 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 or High Court; 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.

16. References in this Part to an “information notice” or a “prohibition notice” have effect only for the purposes of this Part.

(1) S.I. 2002/1355.

(2) 1911 c.6.

(3) 1995 c.39.

(4) S.I. 1979/1714 (N.I. 19).

Changes to legislation:

There are currently no known outstanding effects for the The REACH Enforcement Regulations 2008, Cross Heading: SECTION 3.