

## SCHEDULE 5

Article 42

### Evidence and Information

1.—(1) The Governor may request any person in or resident in the Territory to provide any information or to produce any document in the person's possession or control which the Governor may require for the purpose of—

- (a) securing compliance with or detecting evasion of this Order;
- (b) obtaining evidence of the commission of an offence under this Order;
- (c) establishing the nature and amount or quantity of any funds or economic resources owned, held or controlled by a designated person; or
- (d) establishing the nature of any financial transactions entered into by any such person.

(2) This includes power to—

- (a) take copies of or extracts from any document so produced;
- (b) request any person producing a document to give an explanation of it; and
- (c) where that person is a body corporate, request any person who is a present or past officer of, or employee of, the body corporate to give such an explanation.

(3) Any person to whom a request is made must comply with it within such time and in such manner as may be specified in the request.

(4) Nothing in this paragraph is to be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged information or document in the person's possession in that capacity.

2. A person commits an offence who—

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule;
- (b) knowingly or recklessly gives any information, or produces any document, which is false in a material particular in response to such a request;
- (c) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, conceals or removes any document; or
- (d) otherwise intentionally obstructs the Governor in the exercise of the Governor's powers under this Schedule.

3. Where a person is convicted of an offence under paragraph 4(a), the court may make an order requiring the person, within such period as may be specified in the Order, to give the requested information or to produce the requested document.

4.—(1) The Governor may only disclose any information given or document produced under this Schedule (including any copy or extract made of any such document)—

- (a) to any person holding or acting in any office under or in the service of—
  - (i) the Crown in right of the Government of the United Kingdom;
  - (ii) the Government of the Isle of Man;
  - (iii) the States of Guernsey or Alderney or the Chief Pleas of Sark;
  - (iv) the States of Jersey; or
  - (v) the Government of any British overseas territory;
- (b) with a view to instituting, or otherwise for the purposes of, any proceedings—

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- (i) in the Territory, for an offence under this Order, or
  - (ii) in the United Kingdom, any of the Channel Islands, the Isle of Man or any British overseas territory, for an offence under a similar provision in any such jurisdiction;
  - (c) to the Financial Services Authority of the United Kingdom or to the relevant authority with responsibility in any other country or territory for regulating and supervising financial services business;
  - (d) to any third party, with the consent of a person who, in the person's own right, is entitled to the information or to possession of the document, copy or extract;
- (2) In sub-paragraph (1)(d) "in the person's own right" means not merely in the person's capacity as a servant or agent of another person.
- 5.** An action done under this Schedule is not to be treated as a breach of any restriction imposed by statute or otherwise.