
Changes to legislation: There are currently no known outstanding effects for the Development of Tourism Act 1969, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Sections 3, 4 and 12.

ENFORCEMENT OF CONDITIONS OF GRANT

Power to call for information

- 1 (1) A Tourist Board may by notice require any person who has received a grant from the Board under this Act, and any person acting on his behalf, to furnish to the Board such information, or to produce for examination on behalf of the Board such books, records or other documents, as may be specified in the notice for the purpose of enabling the Board to determine whether any condition subject to which the grant was made is satisfied or is being complied with or whether the grant has become repayable in whole or in part in accordance with any such condition.
- [^{F1}(1A) Sub-paragraph (1) applies in relation to the National Assembly for Wales and any person who has received a grant from the Assembly (and any person acting on that person's behalf) as it applies in relation to a Tourist Board and the corresponding persons.]
- (2) A notice under this paragraph may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified:
Provided that the time specified in such a notice for furnishing any information or producing any document shall not be earlier than the end of the period of twenty-eight days beginning with the service of the notice.
- (3) A notice under this paragraph may be served—
- by delivering it to the person on whom it is to be served;
 - by leaving it at the usual or last known place of abode of that person;
 - by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode; or
 - in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- (4) Any person who without reasonable excuse fails to comply with a notice under this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F2}£100][^{F2}level 5 on the standard scale] or, on a second or subsequent conviction, [^{F2}£400][^{F2}level 5 on the standard scale].

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Textual Amendments

- F1** Sch. 2 para. 1(1A) added (E.W.) (23.11.2005) by [Wales Tourist Board \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3225\)](#), art. 1(1), **Sch. 1 para. 7(1)** (with art. 3(1))
- F2** “level 5 on the standard scale” substituted (S.) for “£100” and “£400” in each case by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**

Modifications etc. (not altering text)

- C1** Para. 1(4): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

Power to enter and inspect premises

- 2 (1) Any person duly authorised in that behalf by a Tourist Board^[F3] or the National Assembly for Wales] may, on production (if so required) of written evidence of his authority, at all reasonable times enter and inspect any premises in relation to which a grant has been made by the Board^[F3] or (as the case may be) the Assembly] under this Act for the purpose of determining whether any condition subject to which the grant was made is satisfied or is being complied with or whether the grant has become repayable in whole or in part in accordance with any such condition.
- (2) Any person who wilfully obstructs any person in the exercise of a right of entry conferred by this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding ^[F4]level 3 on the standard scale].

Textual Amendments

- F3** Words in [Sch. 2 para. 2\(1\)](#) inserted (E.W.) (23.11.2005) by [Wales Tourist Board \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3225\)](#), art. 1(1), **Sch. 1 para. 7(2)** (with art. 3(1))
- F4** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

Failure to comply with condition requiring notification of event on which grant becomes repayable

- 3 (1) Any person who without reasonable excuse fails to comply with any condition subject to which a grant was made to him under this Act requiring him to inform a Tourist Board^[F5] or the National Assembly for Wales] of any event whereby the grant becomes repayable in whole or in part shall be guilty of an offence and liable to a fine which, if imposed on summary conviction, shall not exceed ^[F6]level 5 on the standard scale].
- (2)^{F7}
- (3) Summary proceedings in Scotland for an offence under this paragraph shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation and notwithstanding anything in ^[F8]section 331 of the ^{M1}Criminal Procedure (Scotland) Act 1975], such proceedings

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may be commenced at any time within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge; and [F⁸subsection (3) of the said section 331] shall apply for the purposes of this sub-paragraph as it applies for the purposes of that section.

- (4) For the purposes of sub-paragraphs . . . F⁹ (3) of this paragraph, a certificate of . . . F⁹ the Lord Advocate, . . . F⁹, as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact.

Textual Amendments

- F5** Words in Sch. 2 para. 3(1) inserted (E.W.) (23.11.2005) by Wales Tourist Board (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3225), art. 1(1), **Sch. 1 para. 7(3)** (with art. 3(1))
- F6** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F7** Sch. 2 para. 3(2) repealed by Criminal Law Act 1977 (c. 45), **Sch. 13**
- F8** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 460(1)(b)**
- F9** Words repealed by Criminal Law Act 1977 (c. 45), **Sch. 13**

Marginal Citations

- M1** 1975 c. 21.

Offences by bodies corporate

- 4 (1) Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In this paragraph “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or undertaking or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

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