



# Scottish Development Agency Act 1975

## 1975 CHAPTER 69

### *Various powers of the Agency*

#### **[<sup>F1</sup>11 Power to obtain information.**

- (1) For the purpose of enabling the Secretary of State or the Agency to make an order or serve any notice or other document which, by any of the provisions of this Act, he or they are authorised or required to make or serve, the Secretary of State or the Agency may require the occupier of any premises, and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein, and the name and address of any other person known to him as having an interest therein, whether as [<sup>F2</sup>superior,] owner, heritable creditor, lessee or otherwise.
- (2) Any person who, having been required in pursuance of this section to give any information, refuses or fails without reasonable cause to give that information shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 3 on the standard scale].
- (3) Any person who, having been so required to give any information, knowingly makes any misstatement in respect thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both.
- (4) Where an offence under this section committed by a body corporate or a Scottish firm is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, partner, manager, secretary or other similar officer of the body corporate or firm or a person who was purporting to act in any such capacity, he as well as the body corporate or, as the case may be, the firm shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (5) Where the affairs of a body corporate are managed by its members, subsection (4) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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*Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Section 11. (See end of Document for details)*

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- ( 6 ) Nothing in section 9 of the <sup>M1</sup> Statistics of Trade Act 1947 (restrictions on disclosure of information obtained under that Act) shall prevent or penalise the disclosure by the Secretary of State, the [<sup>F4</sup> Training Commission ], the Employment Service Agency or the Training Services Agency to an officer of the Agency of information obtained under that Act, consisting of the name and address of any establishment, the numbers of persons of different descriptions employed there and the nature of the activities carried on there; and, accordingly, section 4 of the <sup>M2</sup> Employment and Training Act 1973 (obtaining and disclosure of information by the Commission and Agencies) shall have effect as if—
- (a) in subsection (3)( *e* ), after the word “1972” there were inserted the words “the Scottish Development Agency”;
  - (b) in subsection (5), after paragraph ( *d* ) there were inserted the following paragraph—
    - “(dd) in the case of information given to an officer of the Scottish Development Agency, the purposes conferred on that Agency by the Scottish Development Agency Act 1975;”.]

#### Textual Amendments

- F1** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.
- F2** Word in s. 11(1) ceases to have effect (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), Sch. 12 paras. 37(3), **Sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F3** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. **289F**, 289G
- F4** Words substituted by [Employment Act 1988 \(c. 19, SIF 43:5\)](#), s. 33, **Sch. 3 Pt. II**

#### Modifications etc. (not altering text)

- C1** The text of s. 11(6) is in the form in which it was originally enacted: it was not wholly reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M1** 1947 c. 39.  
**M2** 1973 c.50

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Development Agency Act 1975, Section 11.