



Aircraft and Shipbuilding Industries Act 1977 (repealed)

1977 CHAPTER 3

PART III

MISCELLANEOUS AND GENERAL

Information

51 Furnishing of information to the Secretary of State.

- (1) Subject to subsection (4) below, it shall be the duty of every person to whom this subsection applies—
 - (a) to produce to any person authorised by the Secretary of State (on production by that person if so required of a duly authenticated document showing his authority) such books of account, records and documents, and to supply copies of or extracts from such books, records and documents, and to furnish such other information, as may reasonably be required by a Corporation or the Secretary of State for the purposes of this Act; and
 - (b) to provide facilities for the examination of any such books, records and documents, and the taking of copies thereof and extracts therefrom, and facilities for inspecting any property of that person for the purpose of verifying the information furnished by him under this subsection.
- (2) Subsection (1) above shall apply to the following persons, namely,—
 - (a) any acquired or excluded company,
 - (b) where an acquired or excluded company was on or after 5th September 1973 a member of a group of companies, any company which on or after that date was a member of that group,
 - (c) any person in whom is or are vested any property or rights which on the initial date were, or thereafter (whether before or after the passing of this Act) became, property or rights of a company falling within paragraph (a) or paragraph (b) above, or which are derived from any such property or rights,

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- (d) any person who is or has been employed by a company falling within paragraph (a), (b) or (c) above, and
 - (e) any person who is or has been a director or auditor of any such company, but shall not apply to a company after it has come into public ownership.
- (3) Where it appears to a person authorised by the Secretary of State for the purposes of subsection (1)(a) above that any books of account, records or documents which a person is under a duty to produce by virtue of subsection (1) above are in the possession of another person (in this subsection referred to as “the transferee”) who does not fall within subsection (2) above, the person so authorised may (on production if so required of a duly authenticated document showing his authority) require the transferee to produce those books, records or documents and to permit him to inspect and copy them.
- (4) Subsection (1) above shall cease to have effect on the expiry of the period of 2 years beginning on the relevant vesting date.
- (5) A person who—
- (a) without reasonable excuse, refuses or fails to comply with a requirement imposed on him under this section, or
 - (b) in purported compliance with such a requirement, furnishes any information which he knows to be false in a material particular or recklessly furnishes any information which is so false, or
 - (c) with intent to deceive, produces, in purported compliance with such a requirement, any book, record or document which is false in a material particular, or
 - (d) in purported compliance with a requirement imposed on him under subsection (1)(a) above to supply a copy of, or extract from, a book of account, record or document—
 - (i) supplies a document purporting to be such a copy or extract but which he knows to differ in a material particular from the book, record or document of which it purports to be a copy or, as the case may be, from the passage which it purports to reproduce, or
 - (ii) recklessly supplies a document purporting to be such a copy or extract but which so differs,
- shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [F1level 5 on the standard scale]; and a person convicted of an offence under subsection (5)(a) above shall, if the default in respect of which he is so convicted is continued without reasonable excuse after the conviction, be guilty of a further offence and shall be liable in respect of that offence, on summary conviction, to a fine not exceeding £40 for each day on which the default is so continued.
- (6) Where an offence under subsection (5) above which has been committed by a body corporate or a Scottish firm 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 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 accordingly.

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Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) by 1984/703 (N.I. 3), arts. 5, 6

52 Restriction on disclosure of information.

- (1) No information obtained under section 51 above shall be disclosed except—
- (a) with the consent of the person carrying on the undertaking or business to which related the books, records or other documents from which it was obtained, or
 - (b) for the purpose of enabling a Corporation or the Secretary of State to discharge their functions under this Act, or
 - (c) with a view to the institution of, or otherwise for the purpose of, any criminal proceedings pursuant to, or arising out of, this Act.
- (2) If a disclosure is made by a person in contravention of subsection (1) above, he shall be guilty of an offence and shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding £200, or both; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or both.

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