

## SCHEDULES

### SCHEDULE 1

Section 5.

#### ENFORCEMENT OF CONDITIONS ATTACHED TO REGIONAL DEVELOPMENT GRANTS

- 1 (1) The Secretary of State may by notice require any person who has received a grant under Part II of this Act, and any person acting on his behalf, to furnish to the Secretary of State such information, or to produce for examination on behalf of the Secretary of State such books, records or other documents, as may be specified in the notice for the purpose of enabling the Secretary of State to determine whether any condition subject to which the grant is 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) Subject to sub-paragraph (3) below, 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.
- (3) 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 28 days beginning with the service of the notice.
- (4) A notice under this paragraph may be served—
  - (a) by delivering it to the person on whom it is to be served ;
  - (b) by delivering it at the usual or last known place of abode of that person;
  - (c) 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
  - (d) 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.
- 2 Any person duly authorised in that behalf by the Secretary of State may for the purposes mentioned in paragraph 1 of this Schedule, on production (if so required) of written evidence of his authority, at all reasonable times enter and inspect any premises where any asset in respect of which a grant under Part II of this Act has been made is, or in accordance with any condition attached to the grant should be, and require any person appearing to him to have charge of those premises to produce or identify the asset for inspection.
- 3 (1) Any person who in purported compliance with a notice under paragraph 1 of this Schedule knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Any person who without reasonable excuse fails to comply with a notice under paragraph 1 of this Schedule shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) Any person who wilfully obstructs any person in the exercise of a right of entry under paragraph 2 of this Schedule, or without reasonable excuse fails to comply with a requirement under that paragraph, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In relation to offences under this paragraph committed in England and Wales before the coming into force of section 38 of the Criminal Justice Act 1982 or in Scotland before the coming into force of section 54 of that Act—
- (a) the reference in sub-paragraph (2) above to level 5 on the standard scale shall have effect as a reference to £400 ; and
  - (b) the reference in sub-paragraph (3) above to level 3 on the standard scale shall have effect as a reference to £50.
- 4 (1) Any person who without reasonable excuse fails to comply with any condition subject to which a grant was made to him under Part II of this Act requiring him to inform the Secretary of State of any event whereby the grant becomes repayable in whole or in part shall be guilty of an offence and liable on conviction to a fine which on summary conviction shall not exceed the statutory maximum.
- (2) 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 that limitation and notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975, such proceedings 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 or, where such evidence was reported to him by the Secretary of State, within twelve months after the date on which it came to the knowledge of the Secretary of State ; and subsection (3) of the said section 331 shall apply for the purposes of this paragraph as it applies for the purposes of that section.
- (3) For the purposes of this paragraph, a certificate of the Lord Advocate or, as the case may be, the Secretary of State as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact
- 5 (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 public ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.
- 6 References in this Schedule to grant under Part II of this Act shall include references to grant under Part I of the Industry Act 1972.