

SCHEDULES

SCHEDULE 4

REFERENCES WITH RESPECT TO NETWORKING ARRANGEMENTS

Power to obtain information

- 8 (1) The Director may serve on any person a notice requiring him, at a time and a place specified in the notice—
- (a) to produce to the Director such documents specified or described in the notice (being documents in the custody or under the control of that person), or
 - (b) to furnish him, in a form specified in the notice, with such estimates, returns or other information specified or described in it,
- as he may require for the purpose of making any report under this Schedule.
- (2) A person shall not by virtue of sub-paragraph (1) be compelled—
- (a) to produce any document which he could not be compelled to produce in civil proceedings before the High Court or (in Scotland) the Court of Session, or
 - (b) in complying with any requirement for the furnishing of evidence, to give any information which he could not be compelled to give in evidence in such proceedings.
- (3) In section 85 of the Fair Trading Act 1973, as amended by the Companies Act 1989, subsections (6) to (8) (enforcement of notices requiring production of documents) shall apply in relation to a notice under sub-paragraph (1) above as they apply in relation to a notice under subsection (1) of that section, but as if, in subsection (7) of that section, there were substituted “the Director” for the words from “any one” to “the Commission”.
- (4) In that Act, as so amended, section 93B (false or misleading information) shall apply in relation to the furnishing of information to the Director or the MMC in connection with his or their functions under this Schedule as it applies in relation to the furnishing of information as mentioned in subsection (1)(a) or (b) of that section.