

SCHEDULE

Section 10.

ENFORCEMENT

Enforcement authority

- 1 (1) Every local weights and measures authority in Great Britain shall be an enforcement authority for the purposes of this Schedule, and it shall be the duty of each such authority to enforce the provisions of this Act within their area.
- (2) The Department of Economic Development in Northern Ireland shall be an enforcement authority for the purposes of this Schedule, and it shall be the duty of the Department to enforce the provisions of this Act within Northern Ireland.

Prosecutions

- 2 (1) In section 130(1) of the Fair Trading Act 1973 (notice to Director General of Fair Trading of intended prosecution by local weights and measures authority in England and Wales), after “the Property Misdescriptions Act 1991” there is inserted “or for an offence under section 2 of the Timeshare Act 1992”.
- (2) Nothing in paragraph 1 above shall authorise a local weights and measures authority to bring proceedings in Scotland for an offence.

Powers of officers of enforcement authority

- 3 (1) If a duly authorised officer of an enforcement authority has reasonable grounds for suspecting that an offence under section 2 of this Act has been committed, he may—
 - (a) require a person carrying on or employed in a business to produce any book or document relating to the business, and take copies of it or any entry in it, or
 - (b) require such a person to produce in a visible and legible documentary form any information so relating which is contained in a computer, and take copies of it,for the purposes of ascertaining whether such an offence has been committed.
 - (2) If such an officer has reasonable grounds for believing that any documents may be required as evidence in proceedings for such an offence, he may seize and detain them and shall, if he does so, inform the person from whom they are seized.
 - (3) The powers of an officer under this paragraph may be exercised by him only at a reasonable hour and on production (if required) of his credentials.
 - (4) Nothing in this paragraph requires a person to produce, or authorises the taking from a person of, a document which he could not be compelled to produce in civil proceedings before the High Court or (in Scotland) the Court of Session.
- 4 (1) A person who—
 - (a) intentionally obstructs an officer of an enforcement authority acting in pursuance of this Schedule,
 - (b) without reasonable excuse fails to comply with a requirement made of him by such an officer under paragraph 3(1) above, or
 - (c) without reasonable excuse fails to give an officer of an enforcement authority acting in pursuance of this Schedule any other assistance or information

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which the officer has reasonably required of him for the purpose of the performance of the officer's functions under this Schedule, is guilty of an offence.

- (2) A person guilty of an offence under sub-paragraph (1) above is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) If a person, in giving information to an officer of an enforcement authority who is acting in pursuance of this Schedule—
 - (a) makes a statement which he knows is false in a material particular, or
 - (b) recklessly makes a statement which is false in a material particular,he is guilty of an offence.
- (4) A person guilty of an offence under sub-paragraph (3) above is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to a fine.

Disclosure of information

- 5 (1) If a person discloses to another any information obtained in the exercise of functions under this Schedule he is guilty of an offence unless the disclosure was made—
 - (a) in or for the purpose of the performance by him or any other person of any such function, or
 - (b) for a purpose specified in section 38(2)(a), (b) or (c) of the Consumer Protection Act 1987 (enforcement of various enactments; compliance with Community obligations; and civil or criminal proceedings).
- (2) A person guilty of an offence under sub-paragraph (1) above is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to a fine.

Privilege against self-incrimination

- 6 Nothing in this Schedule requires a person to answer any question or give any information if to do so might incriminate him.