

SCHEDULES

SCHEDULE 2

TRANSFER SCHEMES

Provision of information to person making scheme

- 11 (1) A person who proposes to make a scheme (“the scheme authority”) may direct—
- (a) a proposed transferor, or
 - (b) a proposed transferee,
- to provide him with such information as he considers necessary to enable him to make the scheme.
- (2) Such a direction must specify the period within which the information is to be provided.
- (3) The period specified in the direction must be not less than 28 days beginning with the day of the giving of the direction.
- (4) If a person fails to comply with such a direction, the scheme authority may serve a notice on him requiring him—
- (a) to produce to the scheme authority any documents which are specified or described in the notice and are in his custody or under his control; or
 - (b) to provide to the scheme authority such information as may be specified or described in the notice.
- (5) Documents or information to be produced or provided in accordance with such a notice must be produced or provided at the time and place, and in the form and manner, specified in the notice.
- (6) No person may be required under this paragraph—
- (a) to produce a document which he could not be compelled to produce in civil proceedings in the court; or
 - (b) to provide information which he could not be compelled to give in evidence in such proceedings.
- (7) A person who intentionally alters, suppresses or destroys a document which he has been required to produce by a notice under sub-paragraph (4) is guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to a fine.
- (8) If a person fails to comply with a notice under sub-paragraph (4), the court may, on the application of the scheme authority, make such order as the court thinks fit for requiring the failure to be made good.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005.
Cross Heading: Provision of information to person making scheme. (See end of Document for details)

- (9) Any order under sub-paragraph (8) may include provision requiring all the costs or expenses of and incidental to the application to be borne by one or more of the following—
- (a) the person in default;
 - (b) any officers of a company or other association who are responsible for its default.
- (10) In this paragraph—
- (a) a reference to the production of a document includes a reference to the production of a legible and intelligible copy of information recorded otherwise than in legible form; and
 - (b) the reference to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in legible form.
- (11) In this paragraph “the court” means—
- (a) in England and Wales, the High Court; and
 - (b) in Scotland, the Court of Session.

Commencement Information

- I1** Sch. 2 para. 11 in force at 8.6.2005 for specified purposes by S.I. 2005/1444, art. 2(1), Sch. 1
- I2** Sch. 2 para. 11 in force at 24.7.2005 in so far as not already in force by S.I. 2005/1909, art. 2, Sch.

Changes to legislation:

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