
Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Paragraph 11. (See end of Document for details)

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.

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- (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

- 11** Sch. 2 para. 11 in force at 8.6.2005 for specified purposes by S.I. 2005/1444, art. 2(1), Sch. 1
- 12** 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.

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