

## SCHEDULES

### SCHEDULE 2

Sections 4 and 7

#### INFORMATION POWERS

- 1 (1) The Adjudicator may, for the purposes of an investigation, require a person—
  - (a) to provide documents in the person’s possession or control;
  - (b) to provide other information in the person’s possession or control.
- (2) The Adjudicator may, for the purposes of monitoring whether a large retailer has followed a recommendation made under section 7, require the retailer—
  - (a) to provide documents in the retailer’s possession or control;
  - (b) to provide other information in the retailer’s possession or control.
- (3) A requirement imposed under this paragraph may include a requirement for information to be provided orally.
- (4) A requirement is imposed by giving a written notice specifying—
  - (a) to whom the information is to be provided;
  - (b) where it is to be provided;
  - (c) when, or the time by which, it is to be provided;
  - (d) the form and manner in which it is to be provided.
- (5) A notice must also explain the possible consequences of failing to comply.
- (6) If a notice requires an individual to attend at a particular place the Adjudicator must offer to pay necessary travelling expenses.
- (7) A person may not be required under this paragraph to do anything that the person could not be compelled to do in civil proceedings before—
  - (a) the High Court in England and Wales or Northern Ireland; or
  - (b) the Court of Session in Scotland.
- 2 (1) It is an offence for a person intentionally to fail to comply with a requirement under this Schedule.
- (2) It is a defence for a person charged with that offence to prove that there was a reasonable excuse for the person’s failure.
- 3 It is an offence for a person knowingly to provide false information in response to a requirement under this Schedule.
- 4 A person guilty of an offence under this Schedule is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.