

## SCHEDULES

### SCHEDULE 5

#### PROCEDURE FOR APPEALS TO THE CMA

##### *Defaults in relation to evidence*

- 13 (1) If a person (“the defaulter”)—
- (a) fails to comply with a notice issued or other requirement imposed under paragraph 9, 10 or 11,
  - (b) in complying with a notice under paragraph 11, makes a statement that is false in any material particular, or
  - (c) in providing information verified in accordance with a statement of truth required by appeal rules, provides information that is false in a material particular,
- an authorised member of the CMA may certify that fact to the court.
- (2) If the court is satisfied that the defaulter failed without reasonable excuse to comply with the notice or other requirement, or made the false statement, or provided the false information, it may deal with the defaulter (and in the case of a body corporate, any director or other officer of the body) as if that person were in contempt.
- (3) In sub-paragraph (2) “officer”, in relation to a limited liability partnership, means a member of the limited liability partnership.
- (4) In this paragraph “court” means—
- (a) the High Court, or
  - (b) in Scotland, the Court of Session.