

## SCHEDULE

### ENFORCEMENT

#### *Price regulation, price marking and price range notices*

- 5 (1) Any person who contravenes an order under section 2, 4 or 5 of this Act shall be guilty of an offence and liable—
- (a) on conviction on indictment, to a fine ;
  - (b) on summary conviction, to a fine not exceeding £400.
- (2) A transaction shall not be invalid because it involves a price in excess of that permitted by an order under section 2 of this Act; but the person paying the price shall be entitled to recover the excess over the permitted price unless he is himself liable to punishment by reason of his having aided, abetted, counselled or procured the contravention of the order by the other party to the transaction.
- (3) Section 23 of the Trade Descriptions Act 1968 (offences due to fault of other person) and section 24(1) and (2) of that Act (defence of mistake, accident etc.) shall have effect in relation to an offence in respect of an order under section 4 of this Act as they have effect in relation to an offence under that Act.
- 6 It shall be the duty of every local weights and measures authority to enforce within their area any such order as is mentioned in paragraph 5(1) above.
- 7 A local weights and measures authority may make, or may authorise any of their officers to make, any purchases of goods for the purpose of determining whether any such order is being complied with.
- 8 (1) Proceedings for an offence under paragraph 5 above shall not be instituted except by or on behalf of a local weights and measures authority.
- (2) Proceedings for any such offence shall not be instituted—
- (a) unless there has been served on the person charged a notice in writing of the date and nature of the offence alleged, being (except where he is a street trader) a notice served before the expiration of the period of thirty days beginning with that date ; or
  - (b) after the expiration of the period of three months beginning with that date.
- (3) Such a notice as is mentioned in sub-paragraph (2)(a) above may be served on any person either by serving it on him personally or by sending it to him by post at his usual or last known residence or place of business in the United Kingdom or, in the case of a company, at the company's registered office.
- (4) Sub-paragraph (1) above does not apply to Scotland.
- 9 (1) A duly authorised officer of a local weights and measures authority may, at all reasonable hours and on production, if required, of his credentials, exercise any of the powers specified in paragraph 3(2) above and any of the powers specified in sub-paragraph (2) below for the purpose of determining whether an offence under paragraph 5 above has been committed.
- (2) The said powers are—
- (a) a power to seize and detain any document or goods which the officer has reason to believe may be required as evidence in proceedings for such an offence ; and

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*Status: This is the original version (as it was originally enacted).*

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(b) a power to seize and detain any goods if the officer has reason to believe that their examination is likely to produce evidence of the commission of any such offence.

(3) Any person who—

- (a) wilfully obstructs an officer acting under this paragraph ; or
- (b) wilfully fails to comply with a requirement imposed under this paragraph; or
- (c) without reasonable cause fails to give to any officer acting under this paragraph any other assistance or information which the officer may reasonably require for the performance by the officer of his functions under this Schedule,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(4) Any person who, with intent to deceive, produces or gives, in compliance with a requirement under this paragraph, a document or information which to his knowledge is or may be misleading, false or deceptive in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(5) Nothing in this paragraph shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him or as authorising the taking of possession of any such document as is mentioned in paragraph 3(5) above which is in the possession of a barrister, advocate or solicitor.

10 Where a local weights and measures authority have made arrangements for the discharge of any of their functions as such by another local authority, the powers conferred by paragraph 9 above shall also be exercisable by a duly authorised officer of that other local authority.

11 In relation to any offence in respect of an order under section 2(1)(a) of this Act, the powers conferred by paragraph 9 above shall also be exercisable by any officer designated for the purposes of this paragraph by the Secretary of State, being an officer of a government department, of any such board, authority or body as is mentioned in paragraph 4 above or of the Price Commission.