



National Assembly for Wales Commissioner for Standards Measure 2009

2009 nawm 4

Investigatory Powers of the Commissioner

15 Offences

- (1) A person to whom a notice has been given under section 12(1) commits an offence if that person—
 - (a) refuses or fails without reasonable excuse to attend before the Commissioner as required by the notice,
 - (b) refuses or fails without reasonable excuse, when attending before the Commissioner as required by the notice, to answer any question concerning the subjects specified in the notice,
 - (c) refuses or fails without reasonable excuse to produce any document required to be produced by the notice, or
 - (d) intentionally alters, suppresses, conceals or destroys any such document.
- (2) Subsection (1) is subject to section 14.
- (3) Any person who, without reasonable excuse, refuses to take an oath or make an affirmation when required to do so under section 13 commits an offence.
- (4) If a person charged with an offence under subsection (1)(a), (b) or (c) or under subsection (3) adduces evidence of a reasonable excuse for the refusal or failure, it is for the prosecution to prove that the person did not have such an excuse.
- (5) A person guilty of an offence under this section is liable on summary conviction—
 - (a) to a fine not exceeding level 5 on the standard scale,
 - (b) to imprisonment for a period not exceeding three months, or
 - (c) both.

Status: This is the original version (as it was originally enacted).

- (6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,
- that person, as well as the body corporate, is guilty of that offence and liable to be proceeded against accordingly.
- (7) In subsection (6) “director”, in the case of a body corporate whose affairs are managed by its members, means a member of the body corporate.