
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 2

THE LETCHWORTH COMMISSIONER

PART II

PROCEDURE

- 8 (1) The Letchworth Commissioner may for the purposes of any investigation conducted by him require any Governor or officer of the Heritage Foundation, or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation, to furnish any such information or produce any such documents.
- (2) For the purposes of any such investigation the Letchworth Commissioner shall have the same powers as the High Court in respect of the attendance and examination of witnesses, and in respect of the production of documents.
- (3) The Letchworth Commissioner may, under sub-paragraph (1) above, require any person to furnish information concerning communications between the Heritage Foundation and any Government department, or to produce any correspondence or other documents forming part of any such written communications.
- (4) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in Her Majesty's service, whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information in accordance with sub-paragraph (3) above; and where that sub-paragraph applies the Crown shall not be entitled to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.
- (5) Nothing in sub-paragraph (1) or sub-paragraph (3) above affects—
- (a) the restriction, imposed by section 11 (2) of the Parliamentary Commissioner Act 1967, on the disclosure of information by the Parliamentary Commissioner or his officers; or
 - (b) the restriction, imposed by paragraph 16 of Schedule 13 to the National Health Service Act 1977, on the disclosure of information by the Health Service Commissioner for England or the Health Service Commissioner for Wales, or by their officers.
- (6) Subject to sub-paragraph (4) above no person shall be compelled for the purposes of an investigation under this Act to give any evidence or produce any document which he could not be compelled to give or produce in civil proceedings before the High Court.
- (7) To assist him in any investigation the Letchworth Commissioner may obtain advice from any person who in his opinion is qualified to give it and may require the Heritage

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Foundation to pay to any such person such fees or allowances as the Letchworth Commissioner may determine.

- (8) If any person without lawful excuse obstructs the Letchworth Commissioner in the performance of his functions under this Act, or any member of his staff assisting in the performance of those functions, or is guilty of any act or omission in relation to an investigation under this Act which, if that investigation were a proceeding in the High Court, would constitute contempt of court, the Letchworth Commissioner may certify the offence to the High Court.
- (9) Where an offence is so certified, the High Court may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, deal with him in any manner in which the High Court could deal with him if he had committed the like offence in relation to the High Court.
- (10) Nothing in sub-paragraph (8) above shall be construed as applying to the taking of any such action as is mentioned in paragraph 7 (4) above.