



Government of Wales Act 1998

1998 CHAPTER 38

PART III

ASSEMBLY PROCEDURE

Evidence and documents relating to public bodies

75 Witnesses and documents: supplementary

- (1) Where a requirement has been imposed on a person under section 74(1) to attend proceedings—
 - (a) the presiding officer or deputy presiding officer, or the Assembly member who chairs the committee or sub-committee concerned, or
 - (b) such other person as may be authorised by the standing orders,may require him to take an oath (or make an affirmation) before he gives evidence at the proceedings and may administer the oath (or affirmation) to him.
- (2) A person to whom a notice under section 74(6) has been given is guilty of an offence if he—
 - (a) refuses or fails, without reasonable excuse, to attend proceedings as required by the notice,
 - (b) refuses to take an oath (or make an affirmation) when required to do so in accordance with subsection (1),
 - (c) refuses to answer any question which is properly put to him when attending any proceedings as required by the notice,
 - (d) refuses or fails, without reasonable excuse, to produce any document required by the notice to be produced by him, or
 - (e) intentionally alters, suppresses, conceals or destroys any document required by the notice to be produced by him.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to—
 - (a) a fine not exceeding level 5 on the standard scale, or

Status: This is the original version (as it was originally enacted).

- (b) imprisonment for a term not exceeding three months.
- (4) A person is not obliged by section 74 to answer any question or produce any document which he would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales; and subsection (2) has effect accordingly.
- (5) The Secretary of State may by order amend Schedule 5 by—
 - (a) adding or omitting any body or office, or
 - (b) altering the description of any body or office.
- (6) For the purposes of section 74 and this section—
 - (a) a person shall be taken to comply with a requirement to produce a document if he produces a copy of, or an extract of the relevant part of, the document, and
 - (b) “document” means anything in which information is recorded in any form (and references to producing a document are to the production of the information recorded in it in a visible and legible form).