

## SCHEDULES

### SCHEDULE 3

#### TRANSFER SCHEMES

##### *Provision of information to Secretary of State for the purposes of making a scheme*

- 11 (1) The Secretary of State may direct a strategic highways company, or a former strategic highways company, to provide such information as he or she may consider necessary for the purposes of making a scheme.
- (2) The direction must specify the period within which the information is to be provided.
- (3) The period specified in the direction must be not less than 28 days beginning with the day on which the direction is given.
- (4) If the company fails to comply with the direction, the Secretary of State may serve a notice on the company requiring—
- (a) production to the Secretary of State of any documents which are specified or described in the notice and are in the custody or under the control of that company, or
  - (b) provision to the Secretary of State of such information as may be specified or described in the notice.
- (5) Documents or information to be produced or provided in accordance with such a notice must be produced or provided at the time and place, and in the form and manner, specified in the notice.
- (6) A direction or notice under this paragraph may not require—
- (a) production of a document which a person could not be compelled to produce in civil proceedings, or
  - (b) provision of information which a person could not be compelled to give in evidence in such proceedings.
- (7) If a strategic highways company fails to comply with a notice under sub-paragraph (4), the court may, on the application of the Secretary of State, make such order as the court thinks fit for requiring the failure to be made good.
- (8) Any order under sub-paragraph (7) may include provision requiring all the costs or expenses of, or incidental to, the application to be borne by one or more of the following—
- (a) the strategic highways company in default;
  - (b) any officers of that company who are responsible for its default.
- (9) In this paragraph, reference to the production of a document includes reference to the production of a legible and intelligible copy of information recorded otherwise than in legible form.