

## SCHEDULES

### SCHEDULE 8

Section 32.

#### NEW BUS GRANTS—SUPPLEMENTARY PROVISIONS

- 1 Any person who for the purpose of an application for a grant under section 32 of this Act knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable—
  - (a) on summary conviction to a fine not exceeding £400 ; or
  - (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.
- 2 The Minister may by notice require any person who has received a grant under the said section 32, and any person acting on his behalf, to furnish to the Minister such information, or to produce for examination on behalf of the Minister such books, records or other documents, as may be specified in the notice for the purpose of enabling the Minister to determine whether any condition subject to which the grant is made is satisfied or is being complied with or whether the grant has become repayable in whole or in part in accordance with any such condition.
- 3 A notice under paragraph 2 of this Schedule may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified; but the time specified in such a notice for furnishing any information or producing any document shall not be earlier than the end of the period of twenty-eight days beginning with the service of the notice.
- 4 A notice under paragraph 2 of this Schedule may be served—
  - (a) by delivering it to the person on whom it is to be served;
  - (b) by leaving it at the usual or last known place of abode of that person;
  - (c) by sending it by registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode ; or
  - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it by registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- 5 Any person who, in purported compliance with a notice under paragraph 2 of this Schedule, knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable—
  - (a) on summary conviction to a fine not exceeding £400; or
  - (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.
- 6 Any person who without reasonable excuse fails to comply with a notice under paragraph 2 of this Schedule shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 or, on a second or subsequent conviction, £400.

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

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- 7 Any person who without reasonable excuse fails to comply with any condition subject to which a grant was made to him under the said section 32 requiring him to inform the Minister of any event whereby the grant becomes repayable in whole or in part shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding £400 ; or
  - (b) on conviction on indictment, to a fine.
- 8 Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 (time limit for proceedings), summary proceedings in England and Wales for an offence under paragraph 7 of this Schedule may be taken by the Minister or the Director of Public Prosecutions at any time within twelve months from the date on which evidence sufficient in the opinion of the Minister or the Director, as the case may be, to justify the proceedings comes to his knowledge but no such proceedings shall be taken more than three years after the commission of the offence.
- 9 Summary proceedings in Scotland for an offence under paragraph 7 of this Schedule shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, such proceedings may be commenced at any time within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Minister, within twelve months after the date on which it came to the Minister's knowledge; and subsection (2) of the said section 23 shall apply for the purposes of this paragraph as it applies for the purposes of that section.
- 10 For the purposes of paragraphs 8 and 9 of this Schedule, a certificate of the Minister, the Director of Public Prosecutions or the Lord Advocate, as the case may be, as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact.
- 11 (1) Where an offence under this Schedule 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, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In the foregoing sub-paragraph "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.