



Fair Trading Act 1973

1973 CHAPTER 41

PART VIII

ADDITIONAL PROVISIONS RELATING TO REFERENCES TO COMMISSION

85 Attendance of witnesses and production of documents

- (1) For the purposes of any investigation on a reference made to them under this Act the Commission may, by notice in writing signed on their behalf by any of their members or by their secretary,—
 - (a) require any person to attend at a time and place specified in the notice, and to give evidence to the Commission or a member of the Commission nominated by them for the purpose, or
 - (b) require any person to produce, at a time and place specified in the notice, to the Commission or to any person nominated by the Commission for the purpose, any documents which are specified or described in the notice and which are documents in his custody or under his control and relating to any matter relevant to the investigation, or
 - (c) require any person carrying on any business to furnish to the Commission such estimates, returns or other information as may be specified or described in the notice, and specify the time, the manner and the form in which any such estimates, returns or information are to be furnished.
- (2) For the purposes of any such investigation the Commission, or a member of the Commission nominated by them for that purpose, may take evidence on oath, and for that purpose may administer oaths.
- (3) No person shall be compelled for the purpose of any such investigation to give any evidence or produce any document which he could not be compelled to give or produce in civil proceedings before the court or, in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.

Status: This is the original version (as it was originally enacted).

- (4) No person shall be required, in obedience to a notice under subsection (1) of this section, to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.
- (5) Any person who refuses or, without reasonable excuse, fails to do anything duly required of him by a notice under subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.
- (6) Any person who—
- (a) wilfully alters, suppresses or destroys any document which he has been required by any such notice to produce, or
 - (b) in furnishing any estimate, return or other information required of him under any such notice, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (7) If a person makes default in complying with a notice under subsection (1) of this section, the court may, on the application of the Secretary of State, make such order as the court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a company or other association who are responsible for its default.
- (8) In this section " the court "—
- (a) in relation to England and Wales, means the High Court;
 - (b) in relation to Scotland, means the Court of Session; and
 - (c) in relation to Northern Ireland, means the High Court or a judge of the High Court.