

SCHEDULES

SCHEDULE 1

PROVISIONS AS TO MAKING, VARIATION AND REVOCATION OF PROTECTION ORDERS

Making of protection order

- 5 (1) If any representation or objection duly made is not withdrawn, the Secretary of State may, after considering the same, forthwith make a protection order or may cause a local inquiry to be held.
- (2) The Secretary of State shall appoint a person to hold the inquiry and to report thereon to him.
- (3) Notification of the time when and the place where the inquiry is to be held shall be sent to any person who has duly made and has not withdrawn representations or objections to the proposals, and shall be published in such newspaper or newspapers as the Secretary of State may direct.
- (4) The person appointed to hold the inquiry may, on the motion of any party thereto or on his own motion, serve a notice in writing on any person requiring him to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry ;

Provided that—

- (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him ; and
- (ii) nothing in this sub-paragraph shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- (5) The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.
- (6) Any person who refuses or wilfully neglects to attend in obedience to a notice under sub-paragraph (4) above or to give evidence or who wilfully alters, suppresses, conceals, destroys, or refuses to produce, any book or document which he may be required to produce by any such notice shall be liable on summary conviction to a fine not exceeding £20 or to imprisonment for a period not exceeding 3 months.
- (7) The Secretary of State may make orders as to the expenses incurred by him in relation to the inquiry (including such reasonable sum as he may determine for the services of the person appointed to hold the inquiry) and as to the expenses incurred by the parties to the inquiry and as to the parties by whom such expenses shall be paid.

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

- (8) Any order of the Secretary of State under sub-paragraph (7) above requiring any party to pay expenses may be enforced in like manner as a recorded decree arbitral.