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SCHEDULES

SCHEDULE 1

PROHIBITION ORDERS, PROHIBITION NOTICES AND NOTICES TO WARN

PART II

PROHIBITION NOTICES

Miscellaneous

- 21 The Secretary of State may revoke or vary a notice by serving on the trader a notification stating that the notice is revoked or, as the case may be, is varied as specified in the notification ; but the Secretary of State shall not have power to vary a notice so as to make the effect of the notice more restrictive for the trader.
- 22 It shall be the duty of the Secretary of State to consider any report made to him in pursuance of paragraph 17 or 20 of this Schedule and, after considering the report, to inform the trader of the Secretary of State's decision with respect to the notice in question.
- 23 Where the Secretary of State has appointed a time in pursuance of this Part of this Schedule for oral representations, he may appoint a later time or further times for the representations ; and where he does so references in this Part of this Schedule to the appointed time shall be construed as references to the later time or, as the case may be, as including the further times.
- 24 If a person discloses a secret manufacturing process or a trade secret contained in information obtained by him in consequence of the inclusion of the information in written or oral representations made in pursuance of this Part of this Schedule or in a statement made by a witness in connection with such oral representations, then, subject to the following paragraph, he shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine and, on summary conviction, to a fine of an amount not exceeding the statutory maximum ; and it is hereby declared that the reference above to written representations includes such written representations as are mentioned in paragraph 19 of this Schedule.
- 25 A person shall not be guilty of an offence under the preceding paragraph in consequence of his disclosure of a process or trade secret contained in information if—
- (a) the information was obtained by him as a person appointed by the Secretary of State in pursuance of this Part of this Schedule to consider the representations in question and the disclosure was made in his report to the Secretary of State about the representations or was made for the purpose of criminal proceedings or an investigation with a view to such proceedings;
- or

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- (b) the information was obtained by him otherwise than as a person so appointed and the disclosure was made as mentioned in paragraphs (a) to (e) of section 4(3) of this Act; or
- (c) the disclosure was of publicised information.