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*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Paragraph 28. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

#### APPEALS UNDER SECTIONS 24 AND 25

#### PART 6

#### GENERAL

##### *Enforcement of requirements in relation to evidence etc*

- 28 (1) This paragraph applies where a person (“P”)—
- (a) fails to comply with a notice under paragraph 24, 25 or 26,
  - (b) fails to comply with any other requirement imposed under paragraph 24, 25 or 26,
  - (c) in complying with a notice under paragraph 26, makes a statement that is false or misleading in a material respect, or
  - (d) in providing information verified by a statement of truth required by appeal rules, provides information that is false or misleading in a material respect.
- (2) <sup>F1</sup> An authorised member of the Competition and Markets Authority ] may certify to the appropriate court—
- (a) the failure,
  - (b) the fact that P has made a false or misleading statement in circumstances described in sub-paragraph (1)(c), or
  - (c) the fact that P has provided false or misleading information in circumstances described in sub-paragraph (1)(d).
- (3) The appropriate court may inquire into the certified failure or act and, if it does so, must hear—
- (a) any witness against P,
  - (b) any witness on behalf of P, and
  - (c) any statement in P's defence.
- (4) The appropriate court may punish P as if P had been guilty of contempt of court if it is satisfied that—
- (a) the certified failure or act took place, and
  - (b) P did not have a reasonable excuse for the failure or act.
- (5) Where P is a body corporate, the appropriate court may punish any director or other officer of that body, either instead of or as well as punishing the body.
- (6) In this paragraph “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body.

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**Textual Amendments**

- F1** Words in Sch. 2 para. 28(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(28)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
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**Commencement Information**

- I1** Sch. 2 para. 28 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

**Changes to legislation:**

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