



# Restrictive Trade Practices Act 1976

## 1976 CHAPTER 34

### PART IV

#### GENERAL

##### *Enforcement*

#### **37 Court's power to order examination on oath**

- (1) In any case in which the Director has given notice to any person under section 36 above the Court may on the Director's application order that person to attend and be examined on oath in accordance with this section concerning the matters in respect of which the Director has given notice to him under that section.
- (2) Where an order is made under this section for the attendance and examination of any person—
  - (a) the Director shall take part in the examination and for that purpose may be represented by solicitor or counsel;
  - (b) the person examined shall answer all such questions as the Court may put or allow to be put to him, but may at his own cost employ a solicitor with or without counsel, who shall be at liberty to put to him such questions as the Court may deem just for the purpose of enabling him to explain or qualify any answers given by him;
  - (c) notes of the examination shall be taken down in writing and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him;
  - (d) the Court may require the person examined to produce any such particulars, documents or information in his possession or control as may be specified in the notice given by the Director as aforesaid.
- (3) Where notice under section 36 has been given to a body corporate, an order may be made under this section for the attendance and examination—
  - (a) of any director, manager, secretary or other officer of that body corporate ; or

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*Status: This is the original version (as it was originally enacted).*

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- (b) of any other person who is employed by the body corporate and appears to the Court to be likely to have particular knowledge of any of the matters in respect of which the notice was given.
- (4) In any case referred to in subsection (3) above—
  - (a) the reference in subsection (1) above to matters in respect of which the Director has given notice to the person examined shall be construed as a reference to matters in respect of which notice was given to the body corporate; and
  - (b) in paragraph (d) of subsection (2) above and in paragraph (c) so far as it relates to evidence, references to the person examined shall include references to the body corporate.
- (5) The provisions of subsections (3) and (4) above have effect—
  - (a) in relation to a trade association which is not incorporated;
  - (b) in relation to a services supply association which is not incorporated ;as those provisions have effect in relation to a body corporate.
- (6) Nothing in this section shall be taken to compel the disclosure by a barrister, advocate or solicitor of any privileged communication made by or to him in that capacity, or the production by him of any document containing any such communication.