

SCHEDULES

SCHEDULE 2

Section 18(1).

ADMINISTRATION AND OTHER MATTERS

Power to obtain information

- 1 (1) Subject to the provisions of this paragraph, the Secretary of State may direct any person carrying on an undertaking—
- (a) to keep such books, accounts and records relating to a substance mentioned in section 1(1) of this Act, or to electricity, as may be specified;
 - (b) to furnish, as and when specified, estimates, forecasts, returns and information relating to such a substance, or to electricity;
 - (c) to furnish, as and when specified, information and forecasts relating to the undertaking itself or its activities, including the way in which the undertaking is organised and administered and the character and extent of its operations.
- (2) All the powers of this paragraph are exercisable by the Secretary of State where it appears to him expedient for the purpose of implementing obligations incumbent on the United Kingdom as a member of the European Communities or the International Energy Agency or as a party to the International Energy Agreement, and the powers conferred by paragraphs (a) and (b) of sub-paragraph (1) are also exercisable where it appears to the Secretary of State expedient for any purpose connected with the operation of this Act or the effective performance by him of his functions under it.
- (3) In this paragraph " specified " means specified by the Secretary of State's directions.

Power to call for documents

- 2 (1) The powers of this paragraph are exercisable—
- (a) by a person authorised by or on behalf of the Secretary of State, on production (if so required) of his authorisation ;
 - (b) for the purpose of securing compliance with any provision made by or under this Act, and of checking estimates and forecasts or verifying returns and information provided in response to directions under paragraph 1 above.
- (2) The powers are—
- (a) to require any person to produce for inspection, or to deliver up, any document in his possession or control which has been issued by or on the authority of the Secretary of State in connection with the administration and enforcement of this Act, or any provision made under it;
 - (b) to require any person with executive functions in an under taking, or the persons carrying it on, to produce documents relating to the undertaking or its operations, and allow copies or extracts to be made from them ;

Status: This is the original version (as it was originally enacted).

- (c) to require any such person, or one who has in the preceding 5 years exercised such functions, to provide further particulars as to the whereabouts, contents or subject matter of such documents.

Access to premises etc. for enforcement purposes

- 3 (1) Subject to sub-paragraph (2) below, a person authorised by or on behalf of the Secretary of State may for the purpose—
 - (a) of securing compliance with orders made and directions given by the Secretary of State under this Act;
 - (b) of checking estimates and forecasts or verifying returns and information provided in response to directions under paragraph 1 of this Schedule ;
 at all reasonable hours and on production (if so required) of his authorisation, go on any premises and there make such enquiries and inspections, and purchase or take such samples of any substance, as are allowed by the terms of his authorisation or he thinks necessary for those purposes.
- (2) The powers of this paragraph are not exercisable—
 - (a) for the purpose only of securing compliance with orders under section 15 of this Act;
 - (b) except when an Order in Council under section 3 of this Act is in force, for the purpose only of securing compliance with orders under section 1(1).
- (3) The reference in this paragraph to premises includes vehicles and vessels, but not any premises used only as a dwelling.

Entry with warrant

- 4 (1) Subject to sub-paragraph (4) below, if a justice of the peace (in Scotland a justice of the peace or a sheriff) is satisfied, on sworn information in writing submitted on behalf of the Secretary of State, that—
 - (a) admission to premises is reasonably required for any of the purposes mentioned in paragraph 3(1) above ; and
 - (b) the circumstances specified in sub-paragraph (2) or, as the case may be, sub-paragraph (3) below are present,
 the justice or sheriff may issue a warrant naming a person authorised by the Secretary of State and authorising that person to enter the premises, by force if necessary.
- (2) If no Order in Council under section 3 of this Act is for the time being in force the circumstances in which a warrant may be issued are that either—
 - (a) admission to the premises has been refused after, if the case is not one of urgency, not less than seven days' notice of the intention to enter had been given to the occupier; or
 - (b) application for admission would defeat the object of the entry or the premises are unoccupied.
- (3) If such an Order in Council is for the time being in force the circumstances in which a warrant may be issued are that either—
 - (a) admission to the premises has been refused, or a refusal is apprehended, and notice of intention to apply for a warrant has been given to the occupier ; or

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

- (b) application for admission would defeat the object of the entry, or the case is one of urgency, or the premises are unoccupied or the occupier is temporarily absent.
- (4) A warrant under this paragraph—
 - (a) is not to be issued authorising entry for the purpose only of securing compliance with orders under section 15 of this Act;
 - (b) except when an Order in Council under section 3 of this Act is in force, is not to be issued authorising entry for the purpose only of securing compliance with orders under section 1(1).
- (5) A person entering premises under the authority of the warrant may search the premises and take possession of any documents which he finds there and which appear to him to be relevant to the purposes for which the warrant was obtained.
- (6) Any documents of which possession is taken under this paragraph may be retained for a period of 3 months or, if within that period there are commenced any proceedings for an offence under this Act to which they are relevant, until the conclusion of those proceedings.
- (7) If the premises are unoccupied or the occupier is temporarily absent, the person entering them under the authority of the warrant shall leave them as effectively secured against trespassers as he found them.
- (8) The warrant continues in force until the end of one month beginning with the date on which it was issued.
- (9) References in this paragraph to premises include vehicles and vessels, but not any premises used only as a dwelling.

Price control enforcement

- 5
- (1) The Secretary of State may designate a local weights and measures authority for the purposes of the enforcement within its area of price controls in relation to supplies to the general public.
 - (2) The powers of paragraphs 2 and 3 above are also exercisable by a duly authorised officer of a designated local weights and measures authority, for the purpose of securing compliance with price controls in relation to such supplies.
 - (3) If a justice of the peace (in Scotland, a justice of the peace or a sheriff) is satisfied, on sworn information in writing submitted on behalf of a designated local weights and measures authority, that—
 - (a) admission to premises is reasonably required for that purpose ; and
 - (b) the circumstances specified in paragraph 4(2) or, as the case may be (3) above are present,the justice or sheriff may issue a warrant authorising a duly authorised officer of the authority (naming him) to enter the premises, by force if necessary ; and paragraph 4(5) to (9) above also applies in relation to this warrant.

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

Proceedings

- 6 (1) Proceedings for an offence of contravening or failing to comply with a direction of the Secretary of State given under section 6 or 7 of this Act shall be instituted only by, or with the consent of, the Secretary of State or the Director of Public Prosecutions.
- (2) Proceedings for an offence of contravening or failing to comply with price controls shall be instituted only—
- (a) by or on behalf of a local weights and measures authority designated under paragraph 5 above ; or
 - (b) by, or with the consent of, the Secretary of State or the Director of Public Prosecutions.
- (3) This paragraph does not apply in Scotland.
- (4) As this paragraph applies to Northern Ireland—
- (a) omit the reference to a local weights and measures authority ; and
 - (b) for the Director of Public Prosecutions substitute the Director of Public Prosecutions for Northern Ireland ;
- and the provisions of Article 7(3) to (6) of the Prosecution of Offences (Northern Ireland) Order 1972 apply as if this paragraph were a consent provision within the meaning of that Article.

Non-disclosure of information

- 7 No information obtained by virtue of this Act shall be disclosed except—
- (a) with the consent of the person by whom or on whose behalf the information was given or supplied and, where applicable, of the owner of any goods, or the occupier of any premises, to which the information relates;
 - (b) for the purpose of the exercise of any of its functions, to a government department (including a department of the government of Northern Ireland);
 - (c) to any institution of the European Communities, or to the International Energy Agency, in pursuance of obligations incumbent on the United Kingdom to transmit the information or see to its transmission ;
 - (d) in the form of statistics or otherwise, so that it cannot readily be recognised as relating to any particular person or undertaking;
 - (e) with a view to the institution, or otherwise for the purposes, of any criminal proceedings.

Proof of documents

- 8 (1) Every document purporting to be an instrument made by any person in pursuance of this Act and to be signed by or on behalf of that person shall be received in evidence and shall until the contrary is proved be deemed to be such an instrument.
- (2) Prima facie evidence of any such instrument may in any legal proceedings (including arbitrations) be given by the production of a document purporting to be certified to be a true copy of the instrument by or on behalf of the person having power to make or issue the instrument.
- (3) Prima facie evidence of—
- (a) any general authority granted under section 4(1) or (2) of this Act;

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

- (b) any exemption under section 17(4)(b) relating to a class of persons, premises or undertakings ; or
 - (c) the variation or revocation of such an authority or exemption,
- may be given in any legal proceedings (including arbitrations) by the production of a copy of the London, Edinburgh or Belfast Gazette purporting to contain such an authority or exemption or (as the case may be) the variation or revocation.