



Industrial Development Act 1966

1966 CHAPTER 34

PART I

INVESTMENT GRANTS

8 Conditions.

- (1) In making a grant under this Part of this Act in respect of any asset the Board shall impose such conditions as they think fit for securing that the asset will continue to be used as required by the provision under which the grant is made and, where the grant is made under section 5, for restricting the chartering of the ship concerned; and such conditions may include conditions for repayment in specified circumstances.
- (2) The Board may by notice require any person who has received a grant under this Part of this Act, and any person acting on his behalf, to furnish to the Board such information, or to produce for examination on behalf of the Board such books, records or other documents, as may be specified in the notice for the purpose of enabling the Board to determine whether any condition subject to which the grant is made is satisfied or is being complied with or whether the grant has become repayable in whole or in part in accordance with any such condition.
- (3) A notice under the last foregoing subsection may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified:

Provided that the time specified in such a notice for furnishing any information or producing any document shall not be earlier than the end of the period of twenty-eight days beginning with the service of the notice.

- (4) A notice under subsection (2) of this section may be served—
 - (a) by delivering it to the person on whom it is to be served;
 - (b) by leaving it at the usual or last known place of abode of that person;
 - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode; or

Status: This is the original version (as it was originally enacted).

- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- (5) Any person duly authorised in that behalf by the Board may for the purposes mentioned in subsection (2) of this section, on production (if so required) of written evidence of his authority, at all reasonable times enter and inspect any premises where any asset in respect of which a grant under this Part of this Act has been made is, or in accordance with any condition attached to the grant should be, and require any person appearing to him to have charge of those premises to produce or identify the asset for inspection.
- (6) Any person who in purported compliance with a notice under subsection (2) of this section knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both, or on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.
- (7) Any person who without reasonable excuse fails to comply with a notice under subsection (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or, on a second or subsequent conviction, three hundred pounds.
- (8) Any person who wilfully obstructs any person in the exercise of a right of entry under subsection (5) of this section, or without reasonable excuse fails to comply with a requirement under that subsection, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.
- (9) Any person who without reasonable excuse fails to comply with any condition subject to which a grant was made to him under this Part of this Act requiring him to inform the Board of any event whereby the grant becomes repayable in whole or in part shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding three hundred pounds;
 - (b) on conviction on indictment, to a fine not exceeding one thousand pounds or three times the amount so repayable, whichever is the greater.
- (10) Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 (time limit for proceedings), summary proceedings in England and Wales for an offence under the last foregoing subsection may be taken by the Board or the Director of Public Prosecutions at any time within twelve months from the date on which evidence sufficient in the opinion of the Board or the Director, as the case may be, to justify the proceedings comes to their or his knowledge:
- Provided that proceedings shall not be so taken more than three years after the commission of the offence.
- (11) Summary proceedings in Scotland for an offence under subsection (9) of this section shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, such proceedings may be commenced at any time within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Board, within twelve

months after the date on which it came to their knowledge; and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section.

- (12) For the purposes of subsections (10) and (11) of this section, a certificate of the Board, the Director of Public Prosecutions or the Lord Advocate, as the case may be, as to the date on which such evidence as aforesaid came to their or his knowledge shall be conclusive evidence of that fact.