



# Restrictive Trade Practices Act 1976

## 1976 CHAPTER 34

### PART IV

#### GENERAL

##### *Enforcement*

### **38 Offences in connection with registration**

- (1) A person who fails without reasonable excuse to comply with a notice duly given to him under section 36 above is guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (2) If a person who furnishes or is required to furnish any particulars, documents or information under this Act—
  - (a) makes any statement, or furnishes any document, which he knows to be false in a material particular; or
  - (b) recklessly makes any statement, or furnishes any document, which is false in a material particular ; or
  - (c) wilfully alters, suppresses or destroys any document which he is required to furnish as aforesaid;he is guilty of an offence under this section.
- (3) A person guilty of an offence mentioned in subsection (2) above is liable—
  - (a) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £100, or to both such imprisonment and such a fine; or
  - (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or to both such imprisonment and a fine.
- (4) If any default in respect of which a person is convicted of an offence under subsection (1) above continues after the conviction, that person is guilty of a further offence and liable on summary conviction to a fine—

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*Status: This is the original version (as it was originally enacted).*

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- (a) not exceeding £100 ; or
  - (b) not exceeding £10 for every day on which the default continues within the three months next following his conviction for the first-mentioned offence ;
- whichever is the greater.
- (5) For the purposes of subsection (4) above a default in respect of the furnishing of any particulars, documents or information shall be deemed to continue until the particulars, documents or information have been furnished.
- (6) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate is guilty of that offence and liable to be proceeded against and punished accordingly.
- (7) In this section " director ", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.