



# Consumer Safety Act 1978

## 1978 CHAPTER 38

### 4 Power to obtain information

(1) If the Secretary of State considers that, for the purpose of deciding whether to make, vary or revoke safety regulations or a prohibition order or to serve, vary or revoke a prohibition notice or to serve or revoke a notice to warn, he requires information which another person is likely to be able to furnish, the Secretary of State may serve on the other person a notice requiring the person—

- (a) to furnish to the Secretary of State, within a period specified in the notice, such information as is so specified;
- (b) to produce such documents as are specified in the notice at a time and place so specified and to permit a person appointed by the Secretary of State for the purpose to take copies of the documents at that time and place;

but a barrister, advocate or solicitor shall not be required by such a notice to furnish information contained in a privileged communication made by or to him in that capacity or to produce a document containing such a communication.

(2) A person who—

- (a) fails, without reasonable cause, to comply with a notice served on him in pursuance of the preceding subsection ; or
- (b) in purporting to comply with a requirement which by virtue of paragraph (a) of the preceding subsection is contained in a notice served on him in pursuance of that subsection, furnishes information which he knows is false in a material particular or recklessly furnishes information which is false in a material particular,

shall be guilty of an offence and, in the case of an offence under paragraph (a) of this subsection, liable on summary conviction to a fine not exceeding £1,000 and, in the case of an offence under paragraph (b) of this subsection, liable on conviction on indictment to a fine and on summary conviction to a fine of an amount not exceeding the statutory maximum.

(3) No information obtained by virtue of this section shall be disclosed except—

- (a) for the purpose of any criminal proceedings or any investigation with a view to such proceedings; or

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (b) for the purpose of facilitating the performance by the Director General of Fair Trading of his functions under Part III of the Fair Trading Act 1973 or for the purpose of any proceedings under the said Part III; or
- (c) for the purpose of enabling the Secretary of State to decide whether to make, vary or revoke safety regulations or a prohibition order or whether to serve, vary or revoke a prohibition notice or to serve or revoke a notice to warn ; or
- (d) for the purpose of enabling the Secretary of State or a Northern Ireland Department to fulfil a Community obligation; or
- (e) in a prohibition notice, a notice to warn or a warning published as required by a notice to warn or in a warning about goods which is published by the Secretary of State;

but the prohibition on disclosure imposed by this subsection does not apply to publicised information.

- (4) A person who discloses information in contravention of the preceding subsection shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine and, on summary conviction, to a fine of an amount not exceeding the statutory maximum.