

SCHEDULES

SCHEDULE 8

INFORMATION PROVISIONS

PART 2

ENFORCEMENT

Offences in connection with information requirements

- 13 (1) A person who fails to provide information in accordance with a requirement imposed under paragraph 1 or 3 commits an offence.
- (2) A person guilty of an offence under sub-paragraph (1) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to a fine.
- (3) A person does not commit an offence under sub-paragraph (1) if—
- (a) it was not reasonably practicable to comply with the requirement within the period specified by OFCOM, and
 - (b) the person has taken all reasonable steps to provide the information after the end of that period.
- (4) A person commits an offence if—
- (a) in pursuance of a requirement under paragraph 1 or 3, the person provides any information that is false in any material particular, and
 - (b) at the time the information is provided, the person knows it to be false or is reckless as to whether or not it is false.
- (5) A person guilty of an offence under sub-paragraph (4) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.
- (6) Proceedings for an offence under sub-paragraph (1) may be brought in respect of a contravention by a person of a requirement imposed under paragraph 1 or 3 only if—
- (a) OFCOM have given the person a notification under paragraph 5 in respect of the contravention,
 - (b) the period allowed under that paragraph for doing the things mentioned in sub-paragraph (3) of that paragraph has ended without the required information having been provided, and
 - (c) OFCOM have not imposed a financial penalty under paragraph 7 in respect of the contravention.