

Changes to legislation: There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Cross Heading: Defaults in relation to evidence. (See end of Document for details)

SCHEDULES

SCHEDULE 5

PROCEDURE FOR APPEALS TO THE CMA

Defaults in relation to evidence

- 13 (1) If a person (“the defaulter”)—
- (a) fails to comply with a notice issued or other requirement imposed under paragraph 9, 10 or 11,
 - (b) in complying with a notice under paragraph 11, makes a statement that is false in any material particular, or
 - (c) in providing information verified in accordance with a statement of truth required by appeal rules, provides information that is false in a material particular,
- an authorised member of the CMA may certify that fact to the court.
- (2) If the court is satisfied that the defaulter failed without reasonable excuse to comply with the notice or other requirement, or made the false statement, or provided the false information, it may deal with the defaulter (and in the case of a body corporate, any director or other officer of the body) as if that person were in contempt.
- (3) In sub-paragraph (2) “officer”, in relation to a limited liability partnership, means a member of the limited liability partnership.
- (4) In this paragraph “court” means—
- (a) the High Court, or
 - (b) in Scotland, the Court of Session.

Commencement Information

II Sch. 5 para. 13 in force at 1.3.2014 by S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1

- 14 (1) A person who wilfully alters, suppresses or destroys a document which the person has been required to produce under paragraph 9 is guilty of an offence.
- (2) A person guilty of an offence under this paragraph is liable—
- (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates’ court] (or 6 months, if the offence was committed before [^{F2}2 May 2022]) or a fine, or both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum, or both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;

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- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both.

Textual Amendments

- F1** Words in Sch. 5 para. 14(2)(a)(i) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), Sch. Pt. 1 table
- F2** Words in Sch. 5 para. 14(2)(a)(i) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), Sch. Pt. 1

Commencement Information

- I2** Sch. 5 para. 14 in force at 1.3.2014 by S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1

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