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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 530**

**The Avian Influenza (Preventive Measures) (Scotland) Regulations 2005**

**Penalties and time limits**

**11.**—(1) A person guilty of an offence under these Regulations, or who by virtue of these Regulations is guilty of an offence under the Act, is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

(2) Proceedings for an offence under these Regulations, or an offence under the Act by virtue of these Regulations may, subject to paragraph (3), be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the knowledge of the prosecutor.

(3) No such proceedings shall be commenced by virtue of this regulation more than three years after the commission of the offence.

(4) For the purposes of this regulation—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the knowledge of the prosecutor shall be conclusive evidence of that fact;
- (b) a certificate stating that matter purporting to be signed shall be deemed to be so signed unless the contrary is proved.

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**Commencement Information**

**11** Reg. 11 in force at 28.10.2005 at midnight, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Avian Influenza (Preventive Measures) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations revoked by [S.S.I. 2007/69 art. 9](#)
- reg 11 am by [S.S.I. 2005/646 regs 25](#)