
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 319

The Plant Health (Potatoes) (Scotland) Order 2006

Offences

10.—(1) A person shall be guilty of an offence if without reasonable excuse, proof of which shall lie with that person—

(a) that person contravenes or fails to comply with—

(i) article 3;

(ii) article 5 or

(iii) a provision or condition of a notice served, or deemed to be served, on that person under this Order; or

(b) that person intentionally obstructs an inspector or any person acting under the direction of an inspector in exercise of the powers given by or under this Order.

(2) Notwithstanding paragraph (1)(a)(i), a person shall be guilty of an offence if in relation to the notification information required under article 3, that person—

(a) knowingly or recklessly makes a statement which is false in a material particular; or

(b) intentionally fails to disclose any material information.

(3) Where a body corporate is guilty of an offence under this Order, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

(a) any director, manager or secretary or other similar officer of the body corporate; or

(b) any person who was purporting to act in any such capacity,

that individual, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(4) For the purposes of paragraph (3), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(5) Where an offence under this Order is committed by a partnership and is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of, a partner, that partner, as well as the partnership, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(6) Where the commission by any person of an offence under this Order is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against the first mentioned person.

(7) Section 136(3) of the Criminal Procedure (Scotland) Act 1995⁽¹⁾ (date of commencement of proceedings) shall apply for the purposes of this article as it applies for the purposes of that section.

(1) 1995 c. 46.

Changes to legislation: *The Plant Health (Potatoes) (Scotland) Order 2006, Section 10 is up to date with all changes known to be in force on or before 27 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

II Art. 10 in force at 1.7.2006, see [art. 1\(1\)](#)

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- art 10 rev in pt by [S.S.I. 2010/99 arts 29](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art 4A added by [S.S.I. 2010/99 arts 24](#)