
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 1

**The Products of Animal Origin (Third
Country Imports) (Scotland) Regulations 2007**

PART 11

Offences and Penalties

Obstruction

62. No person may—

- (a) intentionally obstruct any person in the exercise of a power conferred by regulation 8 or 9 or in the performance of any other regulatory function;
- (b) without reasonable cause fail to comply with a requirement made of that person under regulation 8 or 9, or fail to give to any person exercising a power conferred by those regulations or performing any other regulatory function such assistance or information as that person may reasonably require for the purpose of exercising the power or performing the function; or
- (c) furnish to any person exercising a power conferred by regulation 8 or 9 or performing any other regulatory function any information which the former knows to be false or misleading.

Defences

63.—(1) In any proceedings for an offence of contravening a provision of the regulations listed in Schedule 4, it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by that person or by any person under the control of that person.

(2) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged is not, without leave of the Court, entitled to rely on that defence, unless—

- (a) at least seven clear days before the hearing; and
- (b) where the person has previously appeared, or been brought, before a court in connection with the alleged offence, within one month of the person's first such appearance,

the person has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in the person's possession.

(3) In any proceedings for an offence of contravening regulation 5(9), it is a defence for the person charged to prove that the person reasonably believed—

- (a) that the disclosure was lawful; or
- (b) that the information had already lawfully been made available to the public.

Contraventions

- 64.** Any person who—
- (a) contravenes a provision of these Regulations, other than—
 - (i) the provisions contained in regulations 8(3) and 19(3) referring to payment of costs; and
 - (ii) the provisions contained in regulations 23(7), 28, 43(5), 45(2) and 57; or
 - (b) fails to comply with a notice served upon that person under these Regulations,
- is guilty of an offence.

Penalties

- 65.—**(1) A person guilty of the offence of contravening regulation 62(a) or (b) is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months, or to both.
- (2) A person guilty of any other offence under these Regulations is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, to imprisonment for a term not exceeding three months or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.

Offences by bodies corporate

- 66.—**(1) If an offence under these Regulations committed by a body corporate is shown—
- (a) to have been committed with the consent or connivance of an officer, or
 - (b) to be attributable to any neglect on the part of an officer,
- the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if the member were a director of the body.
- (3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Offences by Scottish partnerships

- 67.** Where an offence under these Regulations which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partnership is deemed to be guilty of that offence and liable to be proceeded against and punished accordingly.