
STATUTORY INSTRUMENTS

2005 No. 218

**The Common Agricultural Policy Single
Payment and Support Schemes (Integrated
Administration and Control System) Regulations 2005**

Offences and penalties

12.—(1) Any person who—

- (a) intentionally obstructs—
 - (i) an authorised person; or
 - (ii) a person accompanying an authorised person pursuant to regulation 10(4); or
- (b) without reasonable cause fails to comply with a request made under regulation 11,

shall be guilty of an offence.

(2) Nothing in paragraph 1(b) shall be construed as requiring any person to answer any question if to do so might incriminate him.

(3) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Any person who, for the purpose of obtaining for himself or any other person, the whole or part of a specified payment or for the purposes of establishing an authorisation in accordance with Article 60 of the Council Regulation –

- (a) furnishes information which he knows to be false or misleading in a material particular; or
- (b) recklessly furnishes information which is false or misleading in a material particular,

shall be guilty of an offence.

(5) A person guilty of an offence under paragraph (4) shall be liable —

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or both; or
- (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or both.

(6) Proceedings for an offence under paragraph (1) or (4) may, subject to paragraph (7) be brought in England, Wales and Northern Ireland, and commenced in Scotland, within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings came to his knowledge.

(7) No proceedings for an offence under paragraph (1) or (4) shall be brought, or (as the case may be) commenced, more than 2 years after the date of the commission of the offence.

(8) For the purposes of this regulation, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive of that fact.

(9) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(10) In relation to proceedings in Scotland, subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995⁽¹⁾ (date of commencement of proceedings) shall apply for the purposes of this regulation as it applies for the purposes of that section.

(11) Where a body corporate is guilty of an offence under these Regulations 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, secretary or other similar person of the body corporate, or
- (b) any person purporting to act in such capacity,

he, as well as the body corporate, shall be guilty of that offence.

(12) For the purposes of paragraph (11), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(13) In paragraphs (11) and (12) the references to a “body corporate” include a partnership in Scotland and, in relation to such a partnership, the reference to any director, manager, secretary, or other similar person in paragraph (11)(a) is a reference to a partner.

(1) 1995 c. 46.