
STATUTORY INSTRUMENTS

2006 No. 2841

**The Products of Animal Origin (Third
Country Imports) (England) Regulations 2006**

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 him 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 of him 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 he 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 he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(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 he has previously appeared, or been brought, before a court in connection with the alleged offence, within one month of his first such appearance,

he 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 his possession.

(3) In any proceedings for an offence of contravening regulation 5(9), it is a defence for the person charged to prove that he 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 him 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 his part,

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 his functions of management as if he 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, he, as well as the partnership is deemed to be guilty of that offence and liable to be proceeded against and punished accordingly.