
STATUTORY INSTRUMENTS

2009 No. 41

The Operation of Air Services in the Community Regulations 2009

PART 5

Penalties etc.

Proceedings in Scotland

30.—(1) Subject to paragraph (2), summary proceedings for an offence under these Regulations may be commenced in Scotland within a period of 6 months from the date on which evidence sufficient in the opinion of the procurator fiscal to warrant proceedings came to his knowledge.

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

(3) For the purposes of this regulation, a certificate signed by, or on behalf of, the procurator fiscal and stating the date on which evidence sufficient in the procurator fiscal's opinion to warrant the proceedings came to the knowledge of the procurator fiscal is conclusive evidence of that fact.

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

(5) Subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995 ^{M1} (date of commencement of proceedings) applies for the purposes of this regulation as it applies for the purposes of that section.

Marginal Citations

M1 1995 c. 46.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Operation of Air Services in the Community Regulations 2009. 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 the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

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

- reg. 5(1) reg. 5 renumbered as reg. 5(1) by [S.I. 2018/1392 Sch. 1 para. 4\(a\)](#)
- reg. 5(1) words substituted by [S.I. 2018/1392 Sch. 1 para. 4\(b\)](#)
- reg. 5(2) inserted by [S.I. 2018/1392 Sch. 1 para. 4\(c\)](#)
- reg. 17(2A) inserted by [S.I. 2018/1392 Sch. 1 para. 9\(b\)](#)