
WELSH STATUTORY INSTRUMENTS

2011 No. 2377

**The Animal By-Products (Enforcement)
(No. 2) (Wales) Regulations 2011**

PART 4

Offences and penalties

Offences in respect of the EU Control Regulation and the EU Implementing Regulation

17.—(1) A person who fails to comply with an animal by-product requirement commits an offence.

(2) “Animal by-product requirement” (*“gofyniad sgil-gynhyrchion anifeiliaid”*) means any requirement in Column 2 of Schedule 1 to these Regulations as read with the provisions in Column 3 to that Schedule.

Offence of obstruction

18. It is an offence—

- (a) intentionally to obstruct an authorised person;
- (b) without reasonable cause, to fail to give to an authorised person any information or assistance or to provide any facilities that such person may reasonably require;
- (c) knowingly or recklessly to give false or misleading information to an authorised person; or
- (d) to fail to produce a record or document when required to do so by an authorised person.

Corporate, partnership and unincorporated association offences

19.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate or a partnership or Scottish partnership or other unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, a relevant individual (including an individual purporting to act in the capacity of a relevant individual),

the relevant individual as well as the body corporate, partnership, Scottish partnership or unincorporated association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” (*“unigolyn perthnasol”*) means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a partnership or Scottish partnership, a partner;

- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.
- (3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.
- (4) For the purpose of proceedings in paragraph (3)—
 - (a) rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate; and
 - (b) the following provisions apply as they apply in relation to a body corporate—
 - (i) section 33 of the Criminal Justice Act 1925(1); and
 - (ii) Schedule 3 to the Magistrates' Courts Act 1980(2).
- (5) A fine imposed on a partnership or unincorporated association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.

Penalties

- 20.** A person guilty of an offence under these Regulations is 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.

(1) 1925 c. 86. Subsections (1), (2) and (5) of section 33 were repealed by the Magistrates' Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, Part 2, paragraph 19; subsection (4) was partially repealed by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10.

(2) 1980 c. 43. Paragraph 2(a) was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13; paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13.