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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 140**

**The Fisheries and Aquaculture Structures  
(Grants) (Scotland) Regulations 2001**

**Offences and penalties**

**16.**—(1) Any person, who for the purposes of obtaining financial assistance for themselves or any other person—

- (a) furnishes any information in purported compliance with a requirement imposed by or, under regulation 4(1) or (2) or 13(6)(a) knowingly or recklessly makes a statement which is false or misleading in a material particular; or
- (b) in purported compliance with a requirement imposed under regulation 4(2), or 13(6)(a) or (c) knowingly or recklessly produces a document which is false or misleading in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Any person who—

- (a) fails to comply with the requirement imposed under regulation 9 or by regulation 10;
- (b) fails to comply with a request made under regulation 12; or
- (c) intentionally refuses to supply any information, make any return, or produce any document when required to do so by, or otherwise intentionally obstructs, an authorised officer (or a person accompanying and acting on the instructions of the officer) acting in exercise of a power conferred by regulation 13,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Proceedings for an offence under these Regulations may, subject to paragraph (4), be commenced at any time within the period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the knowledge of the prosecutor.

(4) No proceedings for an offence under these Regulations shall be commenced more than 5 years after commission of the offence.

(5) Section 136(3) of the Criminal Procedure (Scotland) Act 1995<sup>(1)</sup> (date of commencement of proceedings) shall apply for purposes of this regulation as it applies for the purposes of that section.

(6) For the purposes of this regulation—

- (a) a certificate signed by or on behalf of the prosecutor stating the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the knowledge the prosecutor shall be conclusive evidence of that fact; and
- (b) a certificate stating that matter purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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