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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 243**

**The Materials and Articles in Contact  
with Food (Scotland) Regulations 2005**

**PART 5**

**General**

**Offences, penalties and defence in relation to exports**

**11.**—(1) Any person who contravenes or fails to comply with the provisions of regulations 6, 8 or 9 shall be guilty of an offence.

(2) Any person found guilty of an offence under paragraph (1) or under regulation 4 is liable—

- (a) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both;
- (b) on summary conviction to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months or to both.

(3) No prosecution for an offence under these Regulations shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from the date on which evidence sufficient in the opinion of the prosecutor to warrant proceedings comes to the knowledge of the prosecutor,

whichever is the earlier.

(4) For the purposes of paragraph (3), a certificate signed by or on behalf of the prosecutor, and stating the date on which evidence sufficient in the prosecutor's opinion to warrant the proceedings came to the knowledge of the prosecutor, shall be conclusive evidence of that fact.

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

(6) In any proceedings for an offence of contravening or failing to comply with these Regulations it shall be a defence for the accused to prove that the material or article in respect of which the offence is alleged to have been committed was intended for export to a country that is not a member State and that the material or article could lawfully be exported there in the circumstances provided for in relation to food and feed in Article 12 of Regulation (EC) No. 178/2002(1).

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**Commencement Information**

**II** Reg. 11 in force at 21.5.2005, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Materials and Articles in Contact with Food (Scotland) Regulations 2005. 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 :**

- Regulations revoked by [S.S.I. 2007/471 reg. 22\(b\)](#)