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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 261**

**The Food Irradiation (Scotland) Regulations 2009**

**Offences and penalties**

**10.**—(1) Any person who contravenes or fails to comply with any of the provisions of these Regulations or, for the purposes of these Regulations, makes any false statement or uses any document containing a false statement either recklessly or knowing it to be false, is guilty of an offence and is liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding [<sup>F1</sup>12 months] or both; and
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

(2) Any licensee who contravenes or fails to comply with any condition of a licence, is guilty of an offence and is liable—

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

(3) No prosecution for an offence under these Regulations may be begun after the expiry of three years from the commission of the offence or one year from its discovery by the prosecutor, whichever is the earlier.

(4) For the purposes of this regulation, 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.

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**Textual Amendments**

- F1** Words in [reg. 10\(1\)\(a\)](#) substituted (20.10.2010) by [The Food Irradiation \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/328\)](#), regs. 1, 3 (with [reg. 7](#))

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Irradiation (Scotland) 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](#)