
DRAFT STATUTORY INSTRUMENTS

2021 No.

The Medical Devices (Northern
Ireland Protocol) Regulations 2021

PART 6

Enforcement

Offence of breaching certain provisions

23.—(1) A person commits an offence if the person contravenes a prohibition or fails to comply with a requirement in a provision of the regulations listed in Table 1 or the Articles listed in Table 2 in Schedule 3 to these Regulations.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.

(3) In respect of an offence under this regulation, a magistrates' court in Northern Ireland may hear and determine any complaint made before the earlier of—

- (a) the end of the period of 1 year beginning with the day on which evidence which the prosecutor thinks is sufficient to justify a prosecution comes to the knowledge of the prosecutor, and
- (b) the end of the period of 3 years beginning with the day on which the offence was committed.

(4) For the purposes of paragraph (3)(a)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed until the contrary is proved.