



Trade Descriptions Act 1968

1968 CHAPTER 29

Provisions as to offences

22 Restrictions on institution of proceedings and admission of evidence

- (1) Where any act or omission constitutes both an offence under this Act and an offence under any provision contained in or having effect by virtue of Part IV of the Weights and Measures Act 1963 or Part IV of the Weights and Measures Act (Northern Ireland) 1967—
 - (a) proceedings for the offence shall not be instituted under this Act, except by virtue of section 23 thereof, without the service of such a notice as is required by subsection (2) of section 51 of the said Act of 1963 or, as the case may be, subsection (2) of section 33 of the said Act of 1967, nor after the expiration of the period mentioned in paragraph (c) of that subsection; and
 - (b) subsections (2), (3) and (5) to (7) of section 26 of the said Act of 1963 or, as the case may be, of section 20 of the said Act of 1967, shall, with the necessary modifications, apply as if the offence under this Act were an offence under Part IV of that Act or any instrument made thereunder.
- (2) Where any act or omission constitutes both an offence under this Act and an offence under the food and drugs laws, evidence on behalf of the prosecution concerning any sample procured for analysis shall not be admissible in proceedings for the offence under this Act unless the relevant provisions of those laws have been complied with.

In this subsection " the food and drugs laws" means the Food and Drugs Act 1955, the Food and Drugs (Scotland) Act 1956, the Food and Drugs Act (Northern Ireland) 1958 and any instrument made thereunder and " the relevant provisions" means—

- (a) in relation to the said Act of 1955, sections 93 and 97 and Part I of Schedule 7;
- (b) in relation to the said Act of 1956, sections 30 and 33 ; and
- (c) in relation to the said Act of 1958, sections 35 and 38 ;

or any provision replacing any of the said provisions by virtue of section 123 of the said Act of 1955, section 56 of the said Act of 1956, or section 68 of the said Act of 1958.

Status: This is the original version (as it was originally enacted).

- (3) The Board of Trade may by order provide that in proceedings for an offence under this Act in relation to such goods as may be specified in the order (other than proceedings for an offence falling within the preceding provisions of this section) evidence on behalf of the prosecution concerning any sample procured for analysis shall not be admissible unless the sample has been dealt with in such manner as may be specified in the order.