

SCHEDULES

SCHEDULE 2

LEGAL PROCEEDINGS

Proceedings in England and Wales or Northern Ireland

- 1 (1) Proceedings in England and Wales or Northern Ireland for an offence under section 11 may be instituted only—
 - (a) by the Secretary of State, or
 - (b) by a constable with the approval of the Secretary of State.
- (2) Proceedings in England and Wales or Northern Ireland for an offence under section 11 may be started at any time within 6 months from the date on which evidence sufficient, in the opinion of the person instituting the proceedings, to justify the proceedings came to the person's knowledge.
- (3) No proceedings may be started by virtue of sub-paragraph (2) more than three years after the commission of the offence.
- (4) A certificate—
 - (a) stating that the Secretary of State's approval is given for the institution by a constable of the proceedings specified in the certificate, and
 - (b) signed by or on behalf of the Secretary of State,is conclusive evidence of that approval.
- (5) A certificate—
 - (a) stating the date on which the evidence referred to in sub-paragraph (2) came to the knowledge of the person instituting the proceedings, and
 - (b) signed by or on behalf of that person,is conclusive evidence of that date.
- (6) A certificate—
 - (a) including a statement under paragraph (a) of sub-paragraph (4) or (5), and
 - (b) purporting to be signed as mentioned in paragraph (b) of the sub-paragraph concerned,is to be deemed to be so signed unless the contrary is proved.
- (7) Sections 145 and 146A of the Customs and Excise Management Act 1979 (procedural restrictions and time limits on starting proceedings for offences under the customs and excise Acts) do not apply to proceedings in England and Wales or Northern Ireland for an offence under section 11.