

## SCHEDULES

### SCHEDULE 3

#### BORDER SECURITY

#### PART 1

#### POWERS

##### *Offences*

- 23 (1) A person commits an offence if the person—
- (a) wilfully fails to comply with a duty imposed under or by virtue of this Part of this Schedule, or
  - (b) wilfully obstructs, or seeks to frustrate, a search or examination under or by virtue of this Part of this Schedule.
- (2) A person guilty of an offence under this paragraph is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding level 4 on the standard scale, or to both;
  - (b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding level 4 on the standard scale, or to both.
- (3) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in sub-paragraph (2)(a) to 51 weeks is to be read as a reference to 3 months.
- (4) Proceedings for an offence under this paragraph are not to be started—
- (a) in England and Wales, except with the consent of the Director of Public Prosecutions;
  - (b) in Northern Ireland, except with the consent of the Director of Public Prosecutions for Northern Ireland.
- (5) But if it appears to the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland that an offence under this paragraph has been committed for a purpose wholly or partly connected with the affairs of a country other than the United Kingdom, consent may be given for the purposes of this paragraph only with the permission—
- (a) in the case of the Director of Public Prosecutions, of the Attorney General, and
  - (b) in the case of the Director of Public Prosecutions for Northern Ireland, of the Advocate General for Northern Ireland.