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STATUTORY INSTRUMENTS

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**1992 No. 2677**

**The Sheep Annual Premium Regulations 1992**

**Offence and penalties**

9.—(1) If any person—

- (a) intentionally obstructs an authorised officer (or a person accompanying him and acting under his instructions) in the exercise of a power conferred by regulation 5; or
- (b) fails without reasonable excuse to comply with a request made under regulation 6,

he shall be guilty of an offence.

(2) If any person for the purpose of obtaining the whole or any part of the premium or in purported compliance with any requirement imposed under regulation 5(5)—

- (a) furnishes information which he knows to be false or misleading in a material particular; or
- (b) recklessly furnishes information which is false or misleading in a material particular,

he shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) Proceedings in England and Wales for an offence under paragraphs (1) and (2) above may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to his knowledge, and in any case within twelve months from the commission of the offence.

(5) Summary proceedings in Scotland for an offence under paragraphs (1) and (2) above may be commenced within a period of six months from the date on which evidence sufficient in the opinion of the procurator fiscal to justify proceedings comes to his knowledge, and in any case within twelve months from the commission of the offence, and proceedings shall be deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted, if such a warrant is executed without undue delay.

(6) A certificate purporting to be signed—

- (a) for the purposes of paragraph (4) above, by or on behalf of the prosecutor, or
- (b) for the purposes of paragraph (5) above, by the procurator fiscal,

shall be conclusive evidence of the date on which evidence sufficient to justify proceedings came to the knowledge of the prosecutor or the procurator fiscal (as the case may be).

(7) Where an offence under this regulation which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(8) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (7) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(9) In paragraphs (7) and (8) above references to a “body corporate” include references to a partnership in Scotland and, in relation to such partnership, any reference to a director or other officer of a body corporate is a reference to a partner.