
STATUTORY INSTRUMENTS

1993 No. 1254

The Serbia and Montenegro (United Nations Sanctions) (Isle of Man) Order 1993

Penalties and proceedings

- 16.**—(1) Any person guilty of an offence under article 11 or 12 shall be liable—
- (a) on conviction on information to imprisonment for a term not exceeding seven years or to a fine or to both;
 - (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.
- (2) Any person guilty of an offence under article 3(10)(b)(ii) or paragraph 5(b) or (d) of Schedule 2 to this Order shall be liable—
- (a) on conviction on information to imprisonment for a term not exceeding two years or to a fine or to both;
 - (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.
- (3) Any person guilty of an offence under article 4(3) or (4), 5(3), 6(3) or 14(1) or (2) shall be liable—
- (a) on conviction on information to imprisonment for a term not exceeding two years or to a fine or to both;
 - (b) on summary conviction to a fine not exceeding the statutory maximum.
- (4) Any person guilty of an offence under article 3(10)(a), (b)(i) or (c) or paragraph 5(a) or (c) of Schedule 2 to this Order shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.
- (5) Where any body corporate is guilty of an offence under this Order, and that offence 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 other 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 guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (6) Notwithstanding anything in section 75(1) of the Summary Jurisdiction Act 1989 (an Act of Tynwald), a complaint relating to an offence under this Order which is triable by a court of summary jurisdiction may be heard if it is made at any time within 3 years after the commission of the offence and within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to his knowledge.
- (7) For the purposes of this article—
- (a) a certificate signed by or on behalf of the prosecutor as to the date on which such evidence as is referred to in paragraph (6) above came to his knowledge shall be conclusive evidence of that fact; and
 - (b) a certificate purporting to be so signed shall be presumed to be so signed unless the contrary is proved.

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(8) Proceedings against any person for an offence under this Order may be taken before the appropriate court having jurisdiction in the Isle of Man.

(9) No proceedings for an offence under this Order, other than for a summary offence, shall be instituted except by the Treasury or by, or with the consent of, the Attorney General for the Isle of Man:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.