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STATUTORY INSTRUMENTS

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**1999 No. 2822**

**The Indonesia (Supply, Sale, Export and Shipment of Equipment) (Penalties and Licences) Regulations 1999**

- 4.—(1) A person guilty of an offence under regulation 2 or 3(2) or (3) above shall be liable—
- (a) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or to both; or
  - (b) on summary conviction, to a fine not exceeding the statutory maximum.

(2) Notwithstanding that the offence in regulation 2 above is not, by virtue of the term of imprisonment for which a person may be sentenced in respect of it, an arrestable offence within the meaning of the Police and Criminal Evidence Act 1984(1) and the Police and Criminal Evidence (Northern Ireland Order) 1989(2), section 24(2) of that Act (in England and Wales) and Article 26(2) of that Order (in Northern Ireland) shall apply to the offence as if it were mentioned therein, and the offence shall accordingly be an arrestable offence within the meaning of the Act and the Order.

(3) Section 138 of the Customs and Excise Management Act 1979(3) (provision as to arrest of persons) shall apply to the arrest of any person for an offence under regulation 2 above as it applies to the arrest of any person for an offence under the customs and excise Acts.

(4) Sections 145 to 148 and 150 to 155 of the Customs and Excise Management Act 1979(4) (proceedings for offences, mitigation of penalties, proof and other matters) shall apply in relation to offences and penalties under these regulations and proceedings for such offences as they apply in relation to offences and penalties and proceedings for offences under the customs and excise Acts.

(5) Nothing in subsections (1) to (4) of section 145 of the Customs and Excise Management Act 1979 (institution of proceedings for offences under the customs and excise Acts to be by order of the Commissioners) shall prevent the institution of proceedings by the Secretary of State for an offence under regulation 3(2) or (3) above.

(6) In this regulation, “customs and excise Acts” has the same meaning as in section 1 of the Customs and Excise Management Act 1979.

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(1) 1984 c. 60.

(2) S.I.1989/1341 (N.I.12).

(3) 1979 c. 2.

(4) Section 145(6) was amended by the Police and Criminal Evidence Act 1984 (c. 60), section 114(1); section 146(1) was modified by S.I. 1990/2167; section 146A was inserted by the Finance Act 1989 (c. 26), section 16(1) and (4); section 147(1) was repealed by the Finance Act 1989 (c. 26), section 16(2) and (4), section 187(1) and Schedule 17, Part 1; section 147(2) was amended by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 176; section 147(5) was repealed by the Criminal Justice Act 1982 (c. 48), section 77 and Schedule 114, paragraph 42 and section 78 and Schedule 16; section 148 was extended by S.I. 1993/1813; section 151 was amended by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 177; section 153(4) was inserted by the Finance Act 1981 (c. 35), section 11(1) and Schedule 8, Part 1, paragraph 9; section 154(2) was modified by S.I. 1990/2167.