
STATUTORY INSTRUMENTS

2000 No. 3044

**The England Rural Development
Programme (Enforcement) Regulations 2000**

Offences and penalties

- 9.—(1) A person is guilty of an offence if—
- (a) for the purposes of obtaining financial assistance for himself or any other person under an enactment specified in Part II or III of the Schedule, he knowingly or recklessly makes a statement which is false or misleading in a material particular; or
 - (b) he intentionally obstructs an authorised person (or a person accompanying him and acting under his instructions) in the exercise of his powers under regulation 3, in so far as exercisable in relation to a commitment entered into pursuant to an enactment specified in Part II or III of the Schedule, or an application to enter into any such commitment.
- (2) A person guilty of an offence under paragraph (1)(a) shall be liable—
- (a) in relation to financial assistance under an enactment specified in Part II of the Schedule, on summary conviction, to a fine not exceeding level 5 on the standard scale; and
 - (b) in relation to financial assistance under an enactment specified in Part III of the Schedule—
 - (i) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (ii) on conviction on indictment, to a fine.
- (3) A person guilty of an offence under paragraph (1)(b) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) No prosecution for an offence under paragraph (1) which, by virtue of paragraph 2(a), is triable summarily shall be commenced after the expiration of three years from the commission of the offence or one year from the date that, in the prosecutor's opinion, evidence sufficient to justify the proceedings came to his knowledge, whichever is the earlier.
- (5) Where paragraph (4) applies—
- (a) a statement of the date on which evidence sufficient in the prosecutor's opinion to justify the proceedings came to his knowledge is conclusive evidence of its contents if signed by or on behalf of the prosecutor; and
 - (b) such a statement purporting to be so signed shall be treated as being so signed unless the contrary is proved.
- (6) Where an offence under this regulation 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, a director, manager, secretary or other similar officer of that body or any person who was purporting to act in such a capacity, he also is guilty of the offence and liable to be proceeded against and punished accordingly.
- (7) Where the affairs of a body corporate are managed by its members, paragraph (6) applies to acts and defaults of a member in connection with his management functions as if he were a director.