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STATUTORY INSTRUMENTS

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**2001 No. 1754**

**The Offshore Petroleum Activities  
(Conservation of Habitats) Regulations 2001**

**Offences**

**19.**—(1) A person is guilty of an offence if he—

- (a) without reasonable excuse fails to comply with a direction given in accordance with regulation 7 above; or
- (b) contravenes any of regulations 10 to 12 and 16 to 18 above.

(2) A person guilty of an offence under paragraph (1)(a) above shall on summary conviction be liable to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(3) A person guilty of an offence under paragraph (1)(b) above shall on summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.

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

(5) Where the affairs of a body corporate are managed by its members, paragraph (4) above shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(6) Where the commission by any person of an offence under this regulation is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against the first-mentioned person.

(7) Proceedings for an offence under this regulation may be taken, and the offence may for all incidental purposes be treated as having been committed, in any part of the United Kingdom.

(8) Section 3 of the Territorial Waters Jurisdiction Act 1878<sup>(1)</sup> (restriction on prosecutions) shall not apply to any proceedings for an offence under this regulation.

(9) No prosecution shall be commenced in England and Wales or Northern Ireland except by the Secretary of State or with his consent.

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<sup>(1)</sup> 1878 41 & 42 Vict. c. 73.