

---

STATUTORY INSTRUMENTS

---

**2002 No. 2630**

**The Somalia (United Nations  
Sanctions) (Isle of Man) Order 2002**

GENERAL

**Penalties and proceedings**

- 16.**—(1) Any person guilty of an offence under article 3, 5 or 6(3) shall be liable—
- (a) on conviction on information to custody for a term not exceeding seven years or to a fine or to both; or
  - (b) on summary conviction to custody 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 13(3)(b)(ii) or paragraph 5(b) or (d) of Schedule 2 shall be liable—
- (a) on conviction on information to custody for a term not exceeding two years or to a fine or to both;
  - (b) on summary conviction to custody 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 8(1) or (2) or article 9(4) of this Order shall be liable—
- (a) on conviction on information to custody 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 13(3)(a), (b)(i) or (c), or paragraph 5(a) or (c) of Schedule 2, shall be liable on summary conviction to custody for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.
- (5) Any person guilty of an offence under article 7 or 9(3) shall be liable on summary conviction to a fine not exceeding the statutory maximum.
- (6) 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.
- (7) 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 three 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.
- (8) For the purposes of this article—

---

*Status: This is the original version (as it was originally made).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

---

- (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 (7) above came to his knowledge shall be conclusive evidence of that fact;
- (b) A certificate purporting to be so signed shall be presumed to be so signed unless the contrary is proved, and
- (c) Section 27(2) of the Police Powers and Procedure Act 1998 (an Act of Tynwald) shall apply to offences under this Order which are not arrestable offences by virtue of the term of custody for which a person may be sentenced in respect of them, as if they were mentioned in that subsection; and accordingly such offences shall be arrestable offences within the meaning of that Act.

(9) No proceedings for an offence under this Order, other than for a summary offence, shall be instituted except 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.