
STATUTORY INSTRUMENTS

2004 No. 1317

The Beef Carcase (Classification) (England) Regulations 2004

Offences and penalties

13.—(1) If any person—

- (a) intentionally obstructs an authorised officer in the exercise of the powers conferred by regulation 10; or
- (b) fails to comply with a request under regulation 8(3)(b), 10(1)(d) or 11,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person—

- (a) fails to comply with any other requirement imposed on him under a Community provision or these Regulations;
- (b) contravenes any prohibition contained in a Community provision or these Regulations;
- (c) for the purpose of obtaining a licence under regulation 6 or 7 knowingly or recklessly makes a statement which is false in a material particular; or
- (d) makes an alteration to such a licence,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Proceedings for an offence under paragraph (1) or (2) may, subject to paragraph (4), be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to his knowledge.

(4) No such proceedings shall be brought by virtue of paragraph (3) more than twelve months from the commission of the offence.

(5) For the purposes of paragraph (3)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to justify the proceedings came to his knowledge shall be conclusive evidence of that fact;
- (b) a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(6) If any person—

- (a) makes an entry which he knows to be false in any record which is required to be kept by virtue of regulation 8(1) or (2) or, with intent to deceive, makes use of any entry which he knows to be false;
- (b) with intent to deceive—
 - (i) applies to a regulated carcase or part of such a carcase a mark prescribed by Article 1(1) of the Commission Regulation, or
 - (ii) applies to a label attached by virtue of regulation 5 an indication prescribed by Article 1(2) of that Regulation;

- (c) applies to a regulated carcass or part of such a carcass a mark so closely resembling a mark prescribed by Article 1(1) of the Commission Regulation as to be calculated to deceive; or
- (d) applies to a label attached by virtue of regulation 5 an indication so closely resembling an indication prescribed by Article 1(2) of the Commission Regulation as to be calculated to deceive,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

(7) Where a body corporate is guilty of an offence under these Regulations, 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—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(8) For the purposes of paragraph (7), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.