
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 464

Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2004

PART XII

OFFENCES AND PENALTIES

Obstruction

59.—(1) A person shall not –

- (a) intentionally obstruct any person in the exercise of a power conferred by regulation 8 or 9 or in the performance of any other regulatory function;
- (b) without reasonable cause fail to comply with a requirement made of him pursuant to regulation 8 or 9, or fail to give to any person exercising a power conferred by those regulations or performing any other regulatory function such assistance or information as that person may reasonably require of him for the purpose of exercising the power or performing the function; or
- (c) furnish to any person exercising a power conferred by regulation 8 or 9 or performing any other regulatory function any information which he knows to be false or misleading.

(2) Paragraph (1)(b) shall not require a person to answer any question or give any information if to do so might incriminate him.

Contraventions

60. Any person who –

- (a) contravenes a provision of these Regulations, other than –
 - (i) the provisions contained in regulations 8(2) and 19(3) referring to payment of costs; and
 - (ii) the provisions contained in regulations 23(7), 28, 43(5), 45(2) and 55;
- (b) or fails to comply with a notice served upon him under these Regulations,

shall be guilty of an offence.

Defence of due diligence

61.—(1) In any proceedings for an offence of contravening a provision of these Regulations listed in Schedule 4, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(2) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on

information supplied by another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence, unless –

- (a) at least 7 clear days before the hearing; and
- (b) where he has previously appeared, or been brought, before a court in connection with the alleged offence, within one month of his first such appearance,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

Penalties

62.—(1) A person guilty of the offence of contravening regulation 59(1)(a) or 59(1)(b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months, or to both.

(2) A person guilty of any other offence under these Regulations shall be liable –

- (a) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.