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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 110**

**The Dairy Produce Quotas (Scotland) Regulations 2002**

**Offences and criminal penalties**

**31.**—(1) Any person who fails without reasonable excuse to comply with a requirement imposed by or under these Regulations or the Community legislation, or who, without prejudice to the generality of the foregoing—

- (a) fails to comply with a requirement made pursuant to regulation 27(1);
- (b) in connection with these Regulations or the Community legislation—
  - (i) makes or causes to be made a statement, or uses or causes to be used a document, which is known to be false in a material particular, or
  - (ii) recklessly makes or causes to be made a statement, or recklessly uses or causes to be used a document, which is false in a material particular; or
- (c) disposes of quota which that person knows or might reasonably be expected to know is incorrectly registered in the name of that person,

shall be guilty of an offence, and shall be liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding three months, or to both; or
- (ii) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both.

(2) The Scottish Ministers may, following any conviction under paragraph (1) against which there is no subsisting right of appeal or further appeal, by notice served on the person to whose quota that conviction relates withdraw from that person such quota as may reasonably be regarded by them as obtained by that person by reason of the falsehood upon which the conviction was founded.

(3) A notice served under paragraph (2) must be served within the period of twelve months beginning with the first day on which such notice may be served.

(4) Where an offence under these Regulations committed by a body corporate or a partnership 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 similar officer of the body corporate, or any person who was purporting to act in any such capacity (or in the case of a partnership, a partner or a person who was purporting to act as such), that person as well as the body corporate or the partnership, as the case may be, shall be guilty of that 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, the provisions of paragraph (4) above shall apply in relation to the acts and defaults of a member in connection with the functions of management of the members as if the member were a director of the body corporate.

(6) In this regulation “requirement” does not include a requirement or restriction imposed on an authority or a person acting as arbiter, nor does it include any restriction or obligation in or under regulation 8(5) or (7), 10(1), 13(4) or 16(2).

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Dairy Produce Quotas (Scotland) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations revoked by [S.S.I. 2005/91 reg. 41\(1\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg 33A added by [S.S.I. 2002/228 reg 2\(1\)\(6\)](#)