
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 498

**The Sea Fish (Marketing Standards)
(Scotland) Regulations 2004**

Offences related to marketing

3.—(1) Where there is a contravention of, or a failure to comply with, any specified Community provision the master, the owner and the charterer (if any) shall each be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Where a label affixed to a lot contains false information as regards the description of any of the characteristics which require to be marked on such a label by Regulation 2406/96, the master, the owner and the charterer (if any) shall each be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) 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, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (3) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(5) Where the commission by any person of an offence under these Regulations was due to the act or default of another person then, whether proceedings are taken against the first mentioned person or not, that other person may be charged with, and convicted of, the offence, and shall on conviction be liable to the same punishment as that to which the first mentioned person is, on conviction, liable.

(6) It shall be a defence for a person charged with an offence under these Regulations to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.