
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 359

**The European Maritime and Fisheries
Fund (Grants) (Scotland) Regulations 2015**

Offences and penalties

16.—(1) It is an offence for any person, for the purposes of obtaining a grant for themselves or any other person, knowingly or recklessly—

- (a) to make a statement, in providing any information in purported compliance with a requirement imposed by or under regulation 4, 6, 9 or 12(6)(a), which is false or misleading in a material particular; or
- (b) to produce a document, in purported compliance with a requirement imposed under regulation 4(3), 6, 9 or 12(6)(a) or (c), which is false or misleading in a material particular.

(2) It is an offence for any person to—

- (a) fail to comply with regulation 9, 10 or 11; or
- (b) intentionally refuse to supply any information, make any return or produce any document when required to do so by, or otherwise intentionally obstruct, any authorised officer (or any person accompanying and acting under the instructions of such an officer in accordance with regulation 12(5)) acting in exercise of a power under regulation 12.

(3) A person who commits an offence under paragraph (1) or (2) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(4) Proceedings for an offence under these Regulations may, subject to paragraph (5), be commenced at any time within the period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the knowledge of the prosecutor.

(5) No proceedings for an offence under these Regulations are to be commenced more than 5 years after the commission of the offence.

(6) Section 136(3) of the Criminal Procedure (Scotland) Act 1995⁽¹⁾ (date of commencement of proceedings) applies for the purposes of this regulation as it applies for the purposes of that section.

(7) For the purposes of this regulation—

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