



# Trade Descriptions Act 1968

## 1968 CHAPTER 29

### *Provisions as to offences*

#### **18 Penalty for offences.**

A person guilty of an offence under this Act for which no other penalty is specified shall be liable—

- (a) on summary conviction, to a fine not exceeding four hundred pounds; and
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

#### **Modifications etc. (not altering text)**

**C1** Ss. 18, 19 extended with modifications by S.I. 1986/26, **reg. 11(1)** and S.I. 1988/1586, **reg. 4(1)**

#### **19 Time limit for prosecutions.**

- (1) No prosecution for an offence under this Act shall be commenced after the expiration of three years from the commission of the offence or one year from its discovery by the prosecutor, whichever is the earlier.
- (2) Notwithstanding anything in [<sup>F1</sup>section 127(1) of the <sup>M1</sup>Magistrates' Courts Act 1980], a magistrates' court may try an information for an offence under this Act if the information was laid at any time within twelve months from the commission of the offence.
- (3) Notwithstanding anything in section 23 of the <sup>M2</sup>Summary Jurisdiction (Scotland) Act 1954 (limitation of time for proceedings in statutory offences) summary proceedings in Scotland for an offence under this section may be commenced at any time within twelve months from the time when the offence was committed, and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section.
- (4) Subsections (2) and (3) of this section do not apply where—

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*Changes to legislation:* There are currently no known outstanding effects for the Trade Descriptions Act 1968, Cross Heading: Provisions as to offences. (See end of Document for details)

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- (a) the offence was committed by the making of an oral statement; or
- (b) <sup>F2</sup> .....
- (c) <sup>F2</sup> .....

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#### Textual Amendments

- F1** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, **Sch. 7 para. 74**
- F2** [S. 19\(4\)\(b\)\(c\)](#) repealed (26.5.2008) by [The Consumer Protection for Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), **reg. 30(3)**, **Sch. 4 Pt. 1** (with savings in [reg. 28\(2\)\(3\)](#), [Sch. 3 paras. 1-4](#))

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#### Modifications etc. (not altering text)

- C2** [Ss. 18, 19](#) extended with modifications by [S.I. 1986/26](#), **reg. 11(1)** and [S.I. 1988/1586](#), **reg. 4(1)**
- C3** [S. 19](#) applied (with modifications) (23.3.1996) by [S.I. 1995/2489](#), **reg. 10(1)**.

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#### Marginal Citations

- M1** [1980 c. 43](#).
- M2** [1954 c. 48](#).

## 20 Offences by corporations.

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent and connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In this section “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

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#### Modifications etc. (not altering text)

- C4** [S. 20](#) extended with modifications by [S.I. 1986/26](#), **reg. 11(1)** and [S.I. 1988/1586](#), **reg. 4(1)**
- [S. 20](#) applied (with modifications) (23.3.1996) by [S.I. 1995/2489](#), **reg. 10(1)**.

## 21 Accessories to offences committed abroad.

- (1) <sup>F3</sup> .....
- (2) <sup>F3</sup> .....
- (3) Any person who, in the United Kingdom, assists in or induces the commission outside the United Kingdom of an act which, if committed in the United Kingdom, would be an offence under section 12 of this Act shall be guilty of an offence.

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**Textual Amendments**

- F3** S. 21(1)(2) repealed (26.5.2008) by The Consumer Protection for Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 30(1)(3), Sch. 2 para. 8(f), **Sch. 4 Pt. 1** (with savings in reg. 28(2)(3))

**22 Restrictions on institution of proceedings and admission of evidence.**

**F4** .....

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**Textual Amendments**

- F4** S. 22 repealed (26.5.2008) by The Consumer Protection for Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 30(1)(3), Sch. 2 para. 8(g), **Sch. 4 Pt. 1** (with savings in reg. 28(2)(3))

**23 Offences due to fault of other person.**

Where the commission by any person of an offence under this Act is due to the act or default of some other person that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the first-mentioned person.

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**Modifications etc. (not altering text)**

- C5** S. 23 extended by Prices Act 1974 (c. 24, SIF 99:6), s. 7, **Sch. para. 5(3)** and extended with modifications by S.I. 1986/26, **reg. 11(1)**  
S. 23 applied (with modifications) (23.3.1996) by S.I. 1995/2489, **reg. 10(1)**.

**Changes to legislation:**

There are currently no known outstanding effects for the Trade Descriptions Act 1968, Cross  
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