

SCHEDULES

SCHEDULE 3

Section 8.

PROVISIONS AS TO OFFENCES

Penalties for offences

- 1 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 £400 ; and
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

Time limit for prosecutions

- 2 (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 section 104 of the Magistrates' Courts Act 1952, 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 Summary Jurisdiction (Scotland) Act 1954 (limitation of time for proceedings in statutory offences) summary proceedings in Scotland for an offence under this Act 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 sub-paragraph as it applies for the purposes of that section.
- (4) Sub-paragraph (2) above shall apply to Northern Ireland as if for the references to section 104 of the Magistrates' Courts Act 1952 and the trial and laying of an information there were substituted respectively references to section 34 of the Magistrates' Courts Act (Northern Ireland) 1964 and the hearing and determination and making of a complaint.
- (5) Sub-paragraphs (2) and (3) above do not apply where—
- (a) the offence was one under section 1(1)(a) of this Act and was committed by the making of an oral statement; or (b) the offence was one under section 1(1)(b) of this Act and—
 - (i) the description was applied by an oral statement; or
 - (ii) the description is deemed to have been applied to the article concerned by virtue of subsection (7)(b) of the said section 1 and the article was supplied in pursuance of an oral request.

Status: This is the original version (as it was originally enacted).

Offences by corporations

- 3 (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 paragraph “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.

Offences due to fault of other person

- 4 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 paragraph whether or not proceedings are taken against the first-mentioned person.

Innocent publication of advertisement

- 5 In proceedings for an offence under this Act committed by the publication of an advertisement it shall be a defence for the person charged to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under this Act.

Defence in proceedings under section 1

- 6 In any proceedings for an offence under section 1 of this Act, it shall be a defence for the person charged to prove that—
- (a) in reliance on information supplied by another person, he believed that the article concerned was one which was exempt from hallmarking by virtue of Part II of Schedule 1 to this Act; and
 - (b) that he could not with reasonable diligence have ascertained that it was not such an article.