



# International Carriage of Perishable Foodstuffs Act 1976

## 1976 CHAPTER 58

### *Legal proceedings*

#### **12 Time limit for commencing summary proceedings for certain offences.**

- (1) Summary proceedings in England, Wales and Northern Ireland for an offence under section 7, 9, 10 or 11 of this Act may, subject to subsection (3) below, be commenced at any time within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings comes to his knowledge.
- (2) Summary proceedings in Scotland for any offence as aforesaid may, subject to subsection (3) below, be commenced at any time—
  - (a) within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to his knowledge, or
  - (b) where such evidence was reported to him by the Secretary of State within 6 months after the date on which it came to the knowledge of the Secretary of State,and subsection (3) of [F<sup>1</sup>section 136 of the Criminal Procedure (Scotland) Act 1995] shall apply for the purposes of this section as it applies for the purposes of that section.
- (3) Nothing in this section shall authorise the commencement of proceedings for any offence more than 3 years after the date on which the offence was committed.
- (4) For the purposes of this section a certificate signed by or on behalf of the prosecutor or, as the case may be, the Secretary of State and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

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*Changes to legislation:* There are currently no known outstanding effects for the International Carriage of Perishable Foodstuffs Act 1976, Cross Heading: Legal proceedings. (See end of Document for details)

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### Textual Amendments

F1 Words in s. 12(2) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 para. 13

## 13 Offences by corporations.

- (1) Where a body corporate is guilty of an offence under this Act or regulations made thereunder and the offence is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## 14 Jurisdiction.

Any offence under this Act or any regulations made thereunder may be treated, for the purpose of conferring jurisdiction on a court (but without prejudice to any jurisdiction it may have apart from this section) as having been committed in any of the following places, that is to say—

- (a) the place where the transport equipment was being used when evidence of the offence first came to the attention of a constable or an examiner;
- (b) the place where the person charged resides or is or is believed to reside or be at the time when the proceedings are commenced; or
- (c) the place where at that time that person has his place or principal place of business or his operating centre for the transport equipment in question.

## 15 Admissibility of records as evidence.

- (1) A statement contained in a document purporting to be—
  - (a) a part of the records maintained by the Secretary of State for the purposes of this Act; or
  - (b) a copy of a document forming part of those records; or
  - (c) a note of any information contained in those records,
 and to be authenticated by a person authorised in that behalf by the Secretary of State shall be admissible in any proceedings as evidence or, in Scotland, sufficient evidence, of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.

[<sup>F2</sup>(2) In this section as it has effect in England and Wales [<sup>F3</sup> and Northern Ireland]—

“document” means anything in which information of any description is recorded;

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly; and

“statement” means any representation of fact, however made.

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<sup>F2</sup>(2A) In this section as it has effect in Scotland, “document” and “statement” have the same meanings as in section 17(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act.

<sup>F4F2</sup>(2B) [.....]

<sup>F2</sup>(2C) Nothing in subsection (2A) <sup>F5</sup>. . . above shall be construed as limiting to civil proceedings the references to proceedings in subsection (1) above.]

(3) Nothing in the foregoing provisions of this section shall enable evidence to be given with respect to any matter other than a matter of the prescribed description.

**Textual Amendments**

- F2** S. 15: subsections (2)-(2C) substituted (31.1.1997) for subsection (2) by 1995 c. 38, s. 15(1), **Sch. 1 para. 8** (with SS. 1(3), 6(4)(5), 14); S.I. 1996/3217, **art. 2**.
- F3** Words in s. 15(2) inserted (N.I.) (6.9.1999) by S.I. 1997/2983, art. 13(1), **Sch. 1 para. 2(a)**; S.R. 1999/339, **art. 2**.
- F4** S. 15(2B) omitted (N.I.) (6.9.1999) by virtue of S.I. 1997/2983, art. 13(2), **Sch. 2**; S.R. 1999/339, **art. 2**.
- F5** Words in s. 15(2C) omitted (N.I.) (6.9.1999) by virtue of S.I. 1997/2983, art. 13(2), **Sch. 2**; S.R. 1999/339, **art. 2**.

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