
STATUTORY INSTRUMENTS

1992 No. 1304

The Serbia and Montenegro (United Nations Prohibition of Flights) Order 1992

Penalties and proceedings

5.—(1) Any person guilty of an offence under this Order shall be liable—

- (a) on conviction on indictment (or in the Isle of Man on information) to imprisonment for a term not exceeding two years or to a fine or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both; or
- (c) on conviction in the Bailiwick of Jersey to imprisonment for a term not exceeding two years or to a fine or to both.

(2) Where any body corporate is guilty of an offence against this Order, and that offence is proved to have been committed with the consent or 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.

(3) (a) Notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975⁽¹⁾ summary proceedings in Scotland for an offence against this Order may be commenced at any time within 12 months after the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to his knowledge; and subsection (3) of that section applies for the purpose of this paragraph as it applies for the purpose of that section:

Provided that such proceedings shall not be commenced after the expiration of 3 years from the commission of the offence.

- (b) A certificate signed by the Lord Advocate or on his behalf and stating the date on which such evidence came to his knowledge shall be conclusive evidence of that fact; and a certificate purporting to be so signed shall be presumed to be so signed unless the contrary is proved.

(4) Proceedings against any person for an offence against this Order may be taken before the appropriate court in the United Kingdom, or in any place to which this Order extends, having jurisdiction in the place where that person is for the time being.

(5) No proceedings for an offence against this Order shall be instituted in England, Wales, Northern Ireland, the Isle of Man or the Bailiwick of Jersey, except by the Secretary of State or with the consent of the Attorney General or, as the case may be, the Attorney General for Northern Ireland or the Isle of Man or the Bailiwick of Jersey:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

(1) 1975 c. 21.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
