
STATUTORY INSTRUMENTS

1993 No. 517

The Common Agricultural Policy (Wine) Regulations 1993

PART IV

OFFENCES AND PENALTIES

Offences and penalties

21.—(1) If any person contravenes, or fails to comply with, regulation 5 or any of the relevant Community provisions referred to in Columns 1 or 2 of Parts I, II, III, V or IX of Schedule 2, he shall be guilty of an offence and liable—

- (a) on summary conviction in Great Britain to a fine not exceeding the statutory maximum or on such conviction in Northern Ireland to a fine not exceeding £2,000; or
- (b) on conviction on indictment, to a fine.

(2) If any person—

- (a) contravenes, or fails to comply with, any of the relevant Community provisions referred to in Columns 1 or 2 of Parts IV, VI, VII or VIII of Schedule 2, or
- (b) discloses to any other person any information obtained by him in pursuance of his duties under these Regulations, unless the disclosure is made in, or for the purposes of, the performance by him or any other person of any functions under these Regulations, or in pursuance of a Community obligation,

he shall be guilty of an offence and liable on summary conviction in Great Britain to a fine not exceeding level 4 on the standard scale or on such conviction in Northern Ireland to a fine not exceeding £1,000.

Movement of a controlled wine-sector product

22.—(1) Any person who, knowing a wine-sector product to be a controlled wine-sector product,—

- (a) moves it, or
- (b) causes it to be moved,

without the written consent of an authorised officer shall be guilty of an offence.

(2) Any person who, knowing a wine-sector product to be a controlled wine-sector product,—

- (a) removes from it, or
- (b) causes to be removed from it,

a label which has been affixed under regulation 9(4) shall be guilty of an offence.

(3) Any person who fails to comply with an undertaking given by him for the purposes of regulation 10 shall be guilty of an offence.

(4) It shall be a defence for a person charged with any offence under this regulation to prove that—

- (a) when the power conferred by regulation 9(1) was exercised, no offence had been or was being committed in respect of the wine-sector product concerned; and
- (b) that there was a reasonable excuse for the act or omission in respect of which he is charged.

(5) A person guilty of an offence under this regulation shall be liable on summary conviction in Great Britain to a fine not exceeding level 5 on the standard scale or on such conviction in Northern Ireland to a fine not exceeding £2,000.

Obstruction

23. Any person who—

- (a) intentionally obstructs an authorised officer (or a person accompanying him and acting under his instructions) acting in the execution of these Regulations; or
- (b) fails to give to any such officer any assistance or information or to provide any facilities which that officer may reasonably require of him for the purposes of his functions under these Regulations

shall be guilty of an offence and liable on summary conviction in Great Britain to a fine not exceeding level 3 on the standard scale or on such conviction in Northern Ireland to a fine not exceeding £400.

Offences by Officers of bodies corporate

24.—(1) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or a 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 deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (1) above 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.

(3) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Defence of due diligence

25. In any proceedings for an offence under regulation 21 or 23(b) it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.