

---

STATUTORY INSTRUMENTS

---

**1994 No. 2155**

**The Pig Carcase (Grading) Regulations 1994**

**Offences and penalties**

**11.**—(1) If any person—

- (a) intentionally obstructs an authorised officer in the exercise of the powers conferred by regulation 8; or
- (b) fails to comply with a notice given under regulation 4(4), a requirement made under regulation 8(1)(d) or a request made under regulation 9,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person fails to comply with any other requirement imposed on him by these Regulations he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) If any person—

- (a) makes an entry which he knows to be false in any record which is required to be kept by virtue of regulation 6(e)(ii) or, with intent to deceive, makes use of any entry which he knows to be false;
- (b) with intent to deceive applies or as the case may be attaches to a pig carcase or part of such a carcase—
  - (i) a mark prescribed by Article 4(1) of the Council Regulation or Article 4(1) or (2) of the Commission Regulation, or
  - (ii) a label prescribed by Article 4(3) of the Commission Regulation; or
- (c) applies to a pig carcase or part of such a carcase a mark so closely resembling a mark prescribed by Article 4(1) of the Council Regulation or Article 4(1) or (2) of the Commission Regulation as to be calculated to deceive or applies to a label attached by virtue of Article 4(3) of the Commission Regulation an indication so closely resembling an indication prescribed by that Article as to be calculated to deceive,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

(4) Any proceedings for an offence under paragraph (1) or (2) above or summary proceedings in Scotland for an offence under paragraph (3) above may, subject to paragraph (5) below, be commenced within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant proceedings came to his knowledge.

(5) No such proceedings shall be commenced by virtue of paragraph (4) above more than twelve months after the commission of the offence.

(6) For the purposes of paragraph (4) above—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact; and

(b) a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(7) In relation to proceedings in Scotland, subsection (3) of section 331 of the Criminal Procedure (Scotland) Act 1975<sup>(1)</sup>(date of commencement of proceedings) shall apply for the purposes of paragraphs (4) and (5) above as it applies for the purposes of that section.

(8) Where an offence under this regulation which has been committed by a body corporate is proved to have been committed with the consent or connivance, 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 deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(9) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (8) of this regulation 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.

(10) Where an offence under this regulation 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.

---

(1) 1967 c. 22.