STATUTORY INSTRUMENTS

2008 No. 1276

The Business Protection from Misleading Marketing Regulations 2008

PART 2

OFFENCES

Time limit for prosecution

10.—(1) No proceedings for an offence under these Regulations shall be commenced after—

(a) the end of the period of three years beginning with the date of the commission of the offence; or

(b) the end of the period of one year beginning with the date of discovery of the offence by the prosecutor,

whichever is earlier.

(2) For the purposes of paragraph (1)(b) a certificate signed by or on behalf of the prosecutor and stating the date on which the offence was discovered by him shall be conclusive evidence of that fact and a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.

(3) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980[M1], an information relating to an offence under these Regulations which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time before the end of the period of twelve months beginning with the date of the commission of the offence.

(4) Notwithstanding anything in section 136 of the Criminal Procedure (Scotland) Act 1995 [M2] summary proceedings in Scotland for an offence under these Regulations may be commenced at any time before the end of the period of twelve months beginning with the date of the commission of the offence.

(5) For the purposes of paragraph (4), section 136(3) of the Criminal Procedure (Scotland) Act 1995 shall apply as it applies for the purposes of that section.

(6) Notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 [M3] a complaint charging an offence under these Regulations which is triable by a magistrates' court in Northern Ireland may be so tried if it is made at any time before the end of the period of twelve months beginning with the date of the commission of the offence.

Marginal Citations

M1 1980 c.43.

M2 1995 c.46.

M3 S.I. 1981/1675 (N.I. 26).

Changes to legislation:
There are currently no known outstanding effects for the The Business Protection from Misleading Marketing Regulations 2008, Section 10.