

STATUTORY INSTRUMENTS

2012 No. 1017

The Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012

PART 7

OFFENCES, PENALTIES AND PROCEEDINGS

Offences and penalties

69.—(1) A person who contravenes regulation 13(2), 17 or 21 is guilty of an offence and is liable on summary conviction to a fine not exceeding the statutory maximum.

(2) A person who contravenes regulation 9, [^{F1}9A, 9B,]^{F2}... 16 or 41 is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or in Scotland, a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years or both.

F1 Words in reg. 69(2) inserted (1.7.2018) by [The Civil Aviation \(Air Travel Organisers' Licensing\) \(Amendment\) Regulations 2018 \(S.I. 2018/670\)](#), regs. 1, **18(a)**

F2 Word in reg. 69(2) omitted (1.7.2018) by virtue of [The Civil Aviation \(Air Travel Organisers' Licensing\) \(Amendment\) Regulations 2018 \(S.I. 2018/670\)](#), regs. 1, **18(b)**

Due diligence defence

70.—(1) In any proceedings against a person for an offence under regulation 9, [^{F3}9A, 9B,] 13(2), ^{F4}... 16, 17 or 21 it is a defence for that person to prove that that person took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) A person shall not be entitled to rely on the defence provided in paragraph (1) by reason of reliance on information supplied by another unless that person proves that it was reasonable in all the circumstances for that person to have relied on the information, having regard in particular to—

- (a) the steps taken, and those that might reasonably have been taken, for the purpose of verifying the information; and
- (b) whether the person had any reason to disbelieve the information.

F3 Words in reg. 70(1) inserted (1.7.2018) by [The Civil Aviation \(Air Travel Organisers' Licensing\) \(Amendment\) Regulations 2018 \(S.I. 2018/670\)](#), regs. 1, **19(a)**

F4 Word in reg. 70(1) omitted (1.7.2018) by virtue of [The Civil Aviation \(Air Travel Organisers' Licensing\) \(Amendment\) Regulations 2018 \(S.I. 2018/670\)](#), regs. 1, **19(b)**

Time limit for prosecution

71.—(1) 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.

(2) 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.

(3) For the purposes of paragraph (2), section 136(3) of the Criminal Procedure (Scotland) Act 1995 applies.

(4) 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 Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012, PART 7.