
STATUTORY INSTRUMENTS

2012 No. 3032

**The Restriction of the Use of Certain Hazardous Substances
in Electrical and Electronic Equipment Regulations 2012**

PART 3

Enforcement

Time limit for prosecution of offences

42.—^[F1](1) In England and Wales an information relating to an offence that is triable by a magistrates' court may be so tried if it is laid within twelve months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the knowledge of the prosecutor.]

^[F2](2) In Scotland

- (a) summary proceedings for an offence may be commenced before the end of twelve months from the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to the Lord Advocate's knowledge, and
- (b) section 136(3) of the Criminal Procedure (Scotland) Act 1995 (time limit for certain offences)⁽¹⁾ applies for the purpose of this paragraph as it applies for the purpose of that section.]

(3) In Northern Ireland summary proceedings for an offence may be instituted within twelve months after the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to the knowledge of the prosecutor.

(4) No proceedings are to be brought more than three years after the commission of the offence.

(5) For the purposes of this regulation a certificate of the prosecutor ^[F3](or in Scotland, the Lord Advocate) as to the date on which such evidence as is referred to above came to their knowledge is conclusive evidence.

F1 Reg. 42(1) omitted (N.I.) (31.12.2020) by virtue of [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **14(8)(a)**

F2 Reg. 42(2) omitted (N.I.) (31.12.2020) by virtue of [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **14(8)(a)**

F3 Words in reg. 42(5) omitted (N.I.) (31.12.2020) by virtue of [The Hazardous Substances and Packaging \(Legislative Functions and Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1647\)](#), regs. 1(3), **14(8)(b)**

Changes to legislation: *There are currently no known outstanding effects for the The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012, Section 42. (See end of Document for details)*

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