
WELSH STATUTORY INSTRUMENTS

2002 No. 1387

The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2002 (revoked)

PART XI

OFFENCES AND PENALTIES

Obstruction

55.—(1) No person shall—

- (a) intentionally obstruct any person in the exercise of a power conferred by regulation 8 or 9 or in the performance of any other regulatory function;
- (b) without reasonable cause fail to comply with a requirement made of him or her pursuant to regulation 8 or 9, or fail to give to any person exercising a power conferred by those regulations or performing any other regulatory function such assistance or information as that person may reasonably require of him or her for the purpose of exercising the power or performing the function;
- (c) furnish to any person exercising a power conferred by regulation 8 or 9 or performing any other regulatory function any information which he or she knows to be false or misleading.

(2) Paragraph 1(b) shall not require a person to answer any question or give any information if to do so might incriminate him or her.

Contraventions

56. Any person who contravenes a provision of these Regulations listed in Schedule 6, or fails to comply with a notice served upon him or her pursuant to regulation 8(2) or regulation 21(2) shall be guilty of an offence.

Defence of due diligence

57.—(1) In any proceedings for an offence of contravening a provision of these Regulations listed in Part I of Schedule 6, it shall be a defence for the person charged to prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself, herself or by a person under his or her control.

(2) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence, unless—

- (a) at least seven clear days before the hearing; and
- (b) where he or she has previously appeared, or been brought, before a court in connection with the alleged offence, within one month of his or her first such appearance,

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the person charged has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his or her possession.

Penalties

58.—(1) A person guilty of the offence of contravening regulation 55(1)(a) or 55(1)(b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months, or to both.

(2) A person guilty of any other offence under these Regulations shall be liable—

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

Offences by bodies corporate

59.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a corporate officer of the body corporate, he or she, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), “corporate officer”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

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Changes and effects yet to be applied to :

- [Regulations revoked by S.I. 2004/1430 Sch. 6](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [reg. 33A substituted for reg. 3 by S.I. 2002/3230 reg. 2\(2\)](#)
- [reg. 12A inserted by S.I. 2003/976 reg. 5](#)
- [reg. 53\(5\) inserted by S.I. 2002/3230 reg. 2\(4\)](#)