
STATUTORY INSTRUMENTS

2004 No. 221

**The Democratic Republic of Congo (Financing and
Financial Assistance and Technical Advice, Assistance
and Training) (Penalties and Licences) Regulations 2004**

Penalties

- 4.—(1) A person guilty of an offence under regulation 2 or 3(2) or (3) above shall be liable—
- (a) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or to both; or
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.

(2) Notwithstanding that the offence in regulation 2 above is not, by virtue of the term of imprisonment for which a person may be sentenced in respect of it, an arrestable offence within the meaning of the Police and Criminal Evidence Act 1984⁽¹⁾ and the Police and Criminal Evidence (Northern Ireland) Order 1989⁽²⁾, section 24(1) of that Act (in England and Wales) and Article 26(2) of that Order (in Northern Ireland) shall apply to the offence as if it were mentioned therein, and the offence shall accordingly be an arrestable offence within the meaning of the Act and the Order.

(3) Section 138 of the Customs and Excise Management Act 1979 (provision as to arrest of persons) shall apply to the arrest of any person for an offence under regulation 2 above as it applies to the arrest of any person for an offence under the customs and excise Acts.

(4) Sections 145 to 148 and 150 to 155 of the Customs and Excise Management Act 1979 (proceedings for offences, mitigation of penalties, proof and other matters) shall apply in relation to offences and penalties under these Regulations and proceedings for such offences as they apply in relation to offences and penalties and proceedings for offences under the customs and excise Acts.

(5) Nothing in subsections (1) to (4) of section 145 of the said Act (institution of proceedings for offences under the customs and excise Acts to be by order of the Commissioners) shall prevent the institution of proceedings by the Secretary of State for an offence under regulation 3(2) or (3) above.

(1) 1984 c. 60; section 24(1) was amended by the Criminal Justice and Court Services Act 2000 (c. 43), s.74, Sch 7, Pt II, paras. 76 and 77 and the Police Reform Act 2002 (c. 30), s.48(6).

(2) S.I. 1341 (N.I. 12).