
STATUTORY INSTRUMENTS

2005 No. 3394

The Avian Influenza (Preventive Measures) (No 2) Regulations 2005

Enforcement and offences

13.—(1) The following provisions of the Act apply as if these Regulations were an Order made under the Act—

- (a) section 60 (duties and authorities of constables);
- (b) section 66 (refusal and obstruction);
- (c) section 67 (issue of false licences etc.);
- (d) section 68 (issue of licences etc. in blank);
- (e) section 71 (other offences as to licences);
- (f) section 71A, (prosecutions: time limit);
- (g) section 73 (general offences);
- (h) section 75 (penalties for certain summary offences), except that a person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or both;
- (i) section 77 (money recoverable summarily); and
- (j) section 79(1) to (4) (evidence and procedure).

(2) Section 69 of the Act (falsely obtaining licences etc.) shall apply as if licences granted under these Regulations were granted under an Order made under the Act.

(3) 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) any director, manager, secretary or other similar person of the body corporate; or
- (b) any person who was purporting to act in any such capacity;

he, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(4) For the purposes of paragraph (3), “director” in relation to a body corporate managed by its members, means a member of the body corporate.

(5) The local authority shall enforce these Regulations unless directed otherwise by the Secretary of State pursuant to paragraph (6).

(6) The Secretary of State may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (5) shall be discharged by the Secretary of State and not by the local authority.

Changes to legislation: *The Avian Influenza (Preventive Measures) (No 2) Regulations 2005, Section 13 is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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Commencement Information

II Reg. 13 in force at 9.12.2005, see [reg. 1\(2\)](#)

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument rev (savings) by [S.I. 2006/2701 reg 23](#)