
STATUTORY INSTRUMENTS

2013 No. 2952

**The Animal By-Products (Enforcement)
(England) Regulations 2013**

PART 5

Offences and penalties

Compliance with animal by-product requirements

17. A person who fails to comply with an animal by-product requirement commits an offence.

Obstruction

18. It is an offence—

- (a) intentionally to obstruct an authorised person;
- (b) without reasonable cause, to fail to give to an authorised person any information or assistance or to provide any facilities that such person may reasonably require;
- (c) knowingly or recklessly to give false or misleading information to an authorised person; or
- (d) to fail to produce a record or document when required to do so by an authorised person.

Corporate, partnership and unincorporated association offences

19.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate or a partnership or Scottish partnership or other unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, a relevant individual (including an individual purporting to act in the capacity of a relevant individual),

the relevant individual as well as the body corporate, partnership, Scottish partnership or unincorporated association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a partnership or Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

(3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(4) For the purpose of proceedings pursuant to paragraph (3) the following provisions apply as if the partnership or unincorporated association were a body corporate—

- (a) rules of court relating to the service of documents;
- (b) section 33 of the Criminal Justice Act 1925 ^{M1}; and
- (c) Schedule 3 to the Magistrates' Courts Act 1980 ^{M2}.

(5) A fine imposed on a partnership or unincorporated association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.

Marginal Citations

- M1** 1925 c. 86. Subsections (1), (2) and (5) of section 33 were repealed by the [Magistrates Courts Act 1952 \(c. 55\)](#) section 132 and Schedule 6; subsection (3) was amended by the [Courts Act 1971 \(c. 23\)](#), [section 56\(1\)](#) and Schedule 8, Part 2, paragraph 19; subsection (4) was partially repealed by the [Courts Act 2003 \(c. 39\)](#) section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10
- M2** 1980 c. 43. Paragraph 2(a) was amended by the [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), section 47, [Schedule 1, paragraph 13](#); [paragraph 5](#) was repealed by the [Criminal Justice Act 1991 \(c. 53\)](#), [sections 25\(2\)](#) and 101(2) and Schedule 13; [paragraph 6](#) was amended by the [Criminal Justice Act 2003](#) section 41, Schedule 3. part 2, paragraphs 51(1) and (13)(b).

Penalties

20. A person guilty of an offence under these Regulations is liable—

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

Changes to legislation:

There are currently no known outstanding effects for the The Animal By-Products (Enforcement) (England) Regulations 2013, PART 5.