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STATUTORY INSTRUMENTS

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**2014 No. 195**

**The Olive Oil (Marketing Standards) Regulations 2014**

**PART 4**

**Offences and penalties**

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**11.**—(1) A person is guilty of an offence if that person—

- (a) fails to comply with a compliance notice;
- (b) intentionally obstructs an authorised officer exercising a power under these Regulations;
- (c) fails, without reasonable excuse, to give any assistance or information that the authorised officer may reasonably require for the enforcement of the EU Regulations or the performance of that officer’s functions under these Regulations;
- (d) knowingly gives false or misleading information to an authorised officer; or
- (e) without reasonable excuse, fails to produce a label, document or record, including—
  - (i) the entry and withdrawal registers required to be kept under Article 7a of Commission Regulation (EEC) No 2568/91, and
  - (ii) the documentation described in Article 7 of Commission Implementing Regulation (EU) No 29/2012,

when reasonably required to do so by an authorised officer.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Defence of due diligence**

**12.** It is a defence for a person charged with an offence under regulation 11(1)(a) (“P”) to prove that P took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by P or by a person under P’s control.

**Time limit for bringing prosecutions**

**13.**—(1) Proceedings for an offence under these Regulations may be commenced within the period of twelve months from the date on which the prosecutor first knows of evidence sufficient, in the prosecutor’s opinion, to justify proceedings.

(2) But no such proceedings may be commenced more than 18 months after the commission of the offence.

(3) For the purposes of this regulation—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the prosecutor first knew of evidence sufficient to justify the proceedings is conclusive evidence of that fact; and

(b) a certificate stating that matter and purporting to be so signed is deemed to be so signed unless the contrary is proved.

(4) In relation to proceedings in Scotland, section 136(3) of the Criminal Procedure (Scotland) Act 1995(1) (date of commencement of proceedings) applies for the purposes of this regulation as it applies for the purposes of that section.

### **Offences by bodies corporate, partnerships and unincorporated associations**

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

that person, as well as the body corporate, is guilty of the offence.

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

(3) Where a partnership or a Scottish partnership 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 partner, the partner, as well as the partnership, is guilty of the offence.

(4) In paragraph (3), “partner” includes a person purporting to act as a partner.

(5) Where an unincorporated association 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, an officer of the association, that officer, as well as the association, is guilty of the offence.

(6) In paragraph (5), “officer”, in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body; or
- (b) a person purporting to act in that capacity.

### **Proceedings against partnerships and unincorporated associations**

15.—(1) 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.

(2) For the purposes of such proceedings the following 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(2) and Schedule 3 to the Magistrates’ Court Act 1980(3);

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(1) 1995 c. 46.

(2) 1925 c. 86. Subsections (1), (2) and (5) of section 33 were repealed by section 132 of, and Schedule 6 to, the Magistrates’ Courts Act 1952 (c. 55). Subsection (3) was amended by section 56(1) of, and Part 2 of Schedule 8 to, the Courts Act 1971 (c. 23). Subsection (4) was partially repealed by section 109(1) and (3) of, and Schedules 8 and 10 to, the Courts Act 2003 (c. 39).

(3) 1980 c. 43. Paragraph 2(a) was amended by section 47 of, and Schedule 1 to, the Criminal Procedure and Investigations Act 1996 (c. 25) and repealed for certain purposes by sections 41 and 332 of, and Schedule 3 and 37 to, the Criminal Justice Act 2003 (c. 44). Paragraph 5 was repealed by sections 25(2) and 101(2) of, and Schedule 13 to, the Criminal Justice Act 1991 (c. 53). Paragraph 6 was amended for certain purposes by section 41 of, and Part 2 of Schedule 3 to, the Criminal Justice Act 2003.

- (c) section 70 and section 143 of the Criminal Procedure (Scotland) Act 1995; and
  - (d) section 18 of the Criminal Justice Act (Northern Ireland) 1945<sup>(4)</sup> and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981.
- (3) 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.

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<sup>(4)</sup> 1945 c. 15.