

---

STATUTORY INSTRUMENTS

---

**2017 No. 1013**

**The Conservation of Offshore Marine  
Habitats and Species Regulations 2017**

**PART 6**

**ENFORCEMENT AND SUPPLEMENTARY  
PROVISION RELATING TO CRIMINAL OFFENCES**

*Supplementary provision relating to criminal offences*

**Jurisdiction of courts**

**70.** Proceedings for prosecuting an offence under these Regulations may be taken, and the offence may for all incidental purposes be treated as having been committed, in any part of the United Kingdom.

**Possession of means of committing offence**

**71.**—(1) Subject to paragraph (2), a person who, for the purpose of committing an offence under Part 3, is in possession of anything capable of being used for committing the offence, is guilty of an offence and punishable in the same manner as for that offence.

(2) An offence under paragraph (1) may only be committed by a person—

- (a) in the United Kingdom; or
- (b) at a place where, or on a ship or aircraft on which and in a place where, the offence under Part 3 could have been committed.

(3) In this regulation “the United Kingdom” means the United Kingdom (including its internal waters) and the territorial sea adjacent to the United Kingdom.

**Offences by bodies corporate etc.**

**72.**—(1) If an offence under these Regulations committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer, or
- (b) to be attributable to any neglect on the part of an officer,

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

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body.

(3) If an offence under these Regulations committed by a Scottish partnership is shown—

- (a) to have been committed with the consent or connivance of a partner, or

---

**Changes to legislation:** *There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017, Cross Heading: Supplementary provision relating to criminal offences. (See end of Document for details)*

---

(b) to be attributable to any neglect on the part of a partner,  
the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(4) In this regulation—

- (a) “officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity; and
- (b) “partner” includes a person purporting to act as a partner.

### **Territorial Waters Jurisdiction Act 1878**

**73.** Section 3 of the Territorial Waters Jurisdiction Act 1878 <sup>M1</sup> (consents to prosecutions of offences committed on the open sea by persons who are not British citizens) does not apply to any proceedings for an offence under these Regulations.

---

#### **Marginal Citations**

**M1** 1878 c. 73.

**Changes to legislation:**

There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017, Cross Heading: Supplementary provision relating to criminal offences.