
STATUTORY INSTRUMENTS

2006 No. 2957

The Smoking (Northern Ireland) Order 2006

Enforcement

Offences by bodies corporate, etc.

13.—(1) For the purposes of this Order, section 20(2) of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(2) If an offence committed by a partnership is proved—

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

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(3) In paragraph (2) “partner” includes a person purporting to act as a partner.

(4) If an offence committed by an unincorporated association (other than a partnership) is proved—

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

the officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) Proceedings for an offence alleged to have been committed by a partnership shall be brought in the name of the partnership (and not in that of any of the partners).

(6) Proceedings for an offence alleged to have been committed by an unincorporated association (other than a partnership) shall be brought in the name of the association (and not in that of any of its members).

(7) Rules of court relating to the service of documents shall have effect as if the partnership or unincorporated association were a body corporate.

(8) In proceedings for an offence brought against a partnership or an unincorporated association, the following provisions apply as they apply in relation to a body corporate—

- (a) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15),
- (b) Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26).

(9) A fine imposed on a partnership on its conviction for an offence is to be paid out of the partnership assets.

(10) A fine imposed on an unincorporated association on its conviction for an offence is to be paid out of the funds of the association.

(11) Paragraphs (5) and (6) are not to be read as prejudicing any liability of a partner, officer or member under paragraph (2) or (4).

(12) In this Article “offence” means an offence under any provision of this Order.

Changes to legislation:

There are currently no known outstanding effects for the The Smoking (Northern Ireland) Order 2006, Section 13.