



Companies Act 1989

1989 CHAPTER 40

PART III

INVESTIGATIONS AND POWERS TO OBTAIN INFORMATION

Powers exercisable to assist overseas regulatory authorities

91 Jurisdiction and procedure in respect of offences.

- (1) Summary proceedings for an offence under section 85 may, without prejudice to any jurisdiction exercisable apart from this section, be taken against a body corporate or unincorporated association at any place at which it has a place of business and against an individual at any place where he is for the time being.
- (2) Proceedings for an offence alleged to have been committed under section 85 or 86 by an unincorporated association shall be brought in the name of the association (and not in that of any of its members), and for the purposes of any such proceedings any rules of court relating to the service of documents apply as in relation to a body corporate.
- (3) Section 33 of the ^{M1}Criminal Justice Act 1925 and Schedule 3 to the ^{M2}Magistrates' Courts Act 1980 (procedure on charge of offence against a corporation) apply in a case in which an unincorporated association is charged in England and Wales with an offence under section 85 or 86 as they apply in the case of a corporation.
- (4) In relation to proceedings on indictment in Scotland for an offence alleged to have been committed under section 85 or 86 by an unincorporated association, [^{F1}section 70 of the ^{M3}Criminal Procedure (Scotland) Act 1995] (proceedings on indictment against bodies corporate) applies as if the association were a body corporate.
- (5) Section 18 of the ^{M4}Criminal Justice Act (Northern Ireland) 1945 and Schedule 4 to the ^{M5}Magistrates' Courts (Northern Ireland) Order 1981 (procedure on charge of offence against a corporation) apply in a case in which an unincorporated association is charged in Northern Ireland with an offence under section 85 or 86 as they apply in the case of a corporation.

*Changes to legislation: There are currently no known outstanding effects
for the Companies Act 1989, Section 91. (See end of Document for details)*

- (6) A fine imposed on an unincorporated association on its conviction of such an offence shall be paid out of the funds of the association.

Textual Amendments

F1 Words in s. 91(4) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 74(3)**

Marginal Citations

M1 1925 c. 86.

M2 1980 c. 43.

M3 1995 c. 46.

M4 1945 c. 15 (N.I.).

M5 S.I. 1981/1675 (N.I.26).

Changes to legislation:

There are currently no known outstanding effects for the Companies Act 1989, Section 91.