



Trade Marks Act 1994

1994 CHAPTER 26

PART IV

MISCELLANEOUS AND GENERAL PROVISIONS

Miscellaneous

101 Offences committed by partnerships and bodies corporate.

- (1) Proceedings for an offence under this Act alleged to have been committed by a partnership shall be brought against the partnership in the name of the firm and not in that of the partners; but without prejudice to any liability of the partners under subsection (4) below.
- (2) The following provisions apply for the purposes of such proceedings as in relation to a body corporate—
 - (a) any rules of court relating to the service of documents;
 - (b) in England and Wales or Northern Ireland, Schedule 3 to the ^{M1}Magistrates' Courts Act 1980 or Schedule 4 to the ^{M2}Magistrates' Courts (Northern Ireland) Order 1981 (procedure on charge of offence).
- (3) A fine imposed on a partnership on its conviction in such proceedings shall be paid out of the partnership assets.
- (4) Where a partnership is guilty of an offence under this Act, every partner, other than a partner who is proved to have been ignorant of or to have attempted to prevent the commission of the offence, is also guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

Changes to legislation: Trade Marks Act 1994, Section 101 is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Modifications etc. (not altering text)

C1 S. 101 applied (20.9.1995) by [1995 c. 32, s. 10](#); [S.I. 1995/2472, art. 2](#)

Marginal Citations

M1 [1980 c. 43](#).

M2 [S.I. 1981/1675 \(N.I. 26\)](#).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 97(8)(d) words substituted by [2024 c. 13 Sch. 21 para. 7\(3\)](#)