



# Gangmasters (Licensing) Act 2004

## 2004 CHAPTER 11

### *Supplementary*

#### **22 Application of Act to partnerships**

- (1) A licence under this Act may be granted to a partnership in the firm name.
- (2) Where the partnership is not regarded as a legal person under the law of the country or territory under which it is formed, the grant of a licence to the partnership in the firm name—
  - (a) continues to have effect notwithstanding a change of partners, so long as at least one of the persons who was a partner before the change remains a partner after it; and
  - (b) has effect as the grant of a licence to those partners named in the licence.
- (3) If in the case of such a partnership an offence under this Act committed by a partner is shown—
  - (a) to have been committed with the consent or connivance of another partner, or
  - (b) to be attributable to any neglect on the part of another partner,that other partner, as well as the first-mentioned partner, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (4) A licence granted to a partnership that is regarded as a legal person under the law of the country or territory under which it is formed authorises activities carried on by the partnership through those partners named in the licence.
- (5) Proceedings for an offence under this Act alleged to have been committed by such a partnership may be brought against the partnership in the firm name.
- (6) For the purposes of such proceedings—
  - (a) rules of court relating to the service of documents have effect as if the partnership were a body corporate, and
  - (b) the following provisions apply as they apply in relation to a body corporate—section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43),

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**Changes to legislation:** *Gangmasters (Licensing) Act 2004, Section 22 is up to date with all changes known to be in force on or before 18 August 2023. 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*

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sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995, section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/ 1675 (N.I. 26)).

- (7) A fine imposed on a partnership on its conviction of an offence shall be paid out of the funds of the partnership.
- (8) If an offence under this Act committed by a partnership is shown—
- (a) to have been committed with the consent or connivance of a partner, or
  - (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.
- (9) In subsections (3) and (8) “partner” includes a person purporting to act as a partner.

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**Commencement Information**

**II** S. 22 in force at 1.4.2005 by S.I. 2005/447, art. 2(k)

**Changes to legislation:**

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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. 15(7) inserted by [2015 c. 20 s. 92](#)