



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 6

#### MISCELLANEOUS AND GENERAL

#### *Enforcement*

#### **92 Unincorporated associations**

- (1) Proceedings for a Part 1 offence alleged to have been committed by an unincorporated association are to be brought in the name of the association (and not in that of any of the members).
- (2) Rules of court relating to the service of documents have effect as if the unincorporated association were a body corporate.
- (3) In proceedings for a Part 1 offence brought against an unincorporated association, section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) apply as they apply in relation to a body corporate.
- (4) A fine imposed on an unincorporated association on its conviction for a Part 1 offence is to be paid out of the funds of the association.
- (5) If a Part 1 offence committed by an unincorporated association 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.

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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 92. (See end of Document for details)

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### Commencement Information

**II** S. 92 in force at 12.1.2009 for specified purposes by [S.I. 2008/3168](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 92.