
STATUTORY INSTRUMENTS

2009 No. 1361

The Marketing of Fresh Horticultural Produce Regulations 2009

PART 5

Additional enforcement provisions

Offences by bodies corporate etc.

19.—(1) If an offence under these Regulations committed by a body corporate is proved—

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

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) In paragraph (1) “officer” in relation to the body corporate, means a director, manager, secretary, or other similar officer of the body, or a person purporting to act in any such capacity.

(3) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if that member were a director of the body corporate.

(4) If an offence under these Regulations 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 the part of that partner,

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

(5) In paragraph (4) “partner” includes a person purporting to act as a partner.

(6) If an offence under these Regulations 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.

(7) For the purposes of proceedings brought in the name of a partnership or an unincorporated association—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or the unincorporated association were a body corporate;
- (b) section 33 of the Criminal Justice Act 1925^{M1} and Schedule 3 to the Magistrates' Courts Act 1980^{M2} apply in relation to the partnership or unincorporated association as they apply in relation to a body corporate.

(8) A fine imposed on a partnership or unincorporated association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or the unincorporated association.

Marginal Citations

- M1** 1925 c. 86. Subsections (1) and (2) of section 33 were repealed by the [Magistrates' Courts Act 1952](#) (c. 55), [section 132](#) and Schedule 6; subsection (3) was amended by the [Courts Act 1971](#) (c. 23), [section 56\(1\)](#) and Schedule 8, part II, paragraph 19; subsection (4) was amended by the [Courts Act 2003](#) (c. 39), [section 109\(1\)](#) and (3), Schedule 8, paragraph 71 and Schedule 10, and by the [Magistrates' Courts Act 1980](#) (c. 43), [section 154](#) and Schedule 7, paragraph 5; subsection (5) was repealed by the [Magistrates' Court Act 1952](#), section 132, Schedule 6.
- M2** 1980 c. 43. Sub-paragraph 2(a) was amended by the [Criminal Procedure and Investigations Act 1996](#) (c. 25), [section 47](#), [Schedule 1](#), [paragraph 13](#), and was repealed by the [Criminal Justice Act 2003](#) (c. 44), [sections 41](#) and 332, Schedule 3, part 2, paragraph 51, sub-paragraphs (1), (13)(a), and Schedule 37, part 4 (with effect from a date to be appointed); paragraph 5 was repealed by the [Criminal Justice Act 1991](#) (c. 53), [sections 25\(2\)](#) and 101(2) and Schedule 13; paragraph 6 was amended by the [Criminal Justice Act 2003](#), section 41, Schedule 3, part 2, paragraph 51, sub-paragraphs (1) and (13)(b) (with effect from a date to be appointed).

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fresh Horticultural Produce Regulations 2009, Section 19.