
STATUTORY INSTRUMENTS

2015 No. 310

The Fluorinated Greenhouse Gases Regulations 2015

PART 5

Offences and penalties

Offences committed by bodies corporate, partnerships and unincorporated associations

30.—(1) In respect of any offence under these Regulations committed by a body corporate, an officer as well as the body corporate, is guilty of the offence and liable if the offence is proved—

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

(2) 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 the member's functions of management as it applies to an officer of a body corporate.

(3) In respect of any offence committed by a partnership or a Scottish partnership, a partner as well as the partnership or Scottish partnership is guilty of the offence and liable if the offence 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 that partner.

(4) For the purpose of proceedings for an offence alleged to have been committed by a partnership, section 70 of the Criminal Procedure (Scotland) Act 1995 ^{M1} applies as it applies in relation to a body corporate.

(5) Subject to paragraph (8), proceedings for an offence alleged to have been committed by an unincorporated association must be brought in the name of the association and not in the name of any of its members.

(6) For the purpose of proceedings under paragraph (5)—

- (a) rules of court relating to the service of documents have effect as if the association were a body corporate; and
- (b) the following provisions apply as they apply in relation to a body corporate—
 - (i) section 33 of the Criminal Justice Act 1925 ^{M2} and Schedule 3 to the Magistrates' Courts Act 1980 ^{M3};
 - (ii) section 70 of the Criminal Procedure (Scotland) Act 1995; and
 - (iii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 ^{M4} and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 ^{M5}.

(7) A fine imposed on an unincorporated association on its conviction for an offence must be paid out of the funds of the association.

(8) An officer of an unincorporated association, other than a partnership or a member of its governing body that is, as well as the association, guilty of the offence is liable to be proceeded against and punished accordingly if an offence committed by the association is shown—

- (a) to have been committed with the consent or connivance of such an officer or member; or
- (b) to be attributable to any neglect on the part of such an officer or member.

(9) In this regulation—

- (a) “officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity;
- (b) “partner” includes a person purporting to act as a partner.

Marginal Citations

- M1** 1995 c. 46. Section 70 is amended by section 10(6) of the [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004](#) (asp 5), **section 28** of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007](#) (asp 6), **section 66(1)** and (3) to (12) of the [Criminal Justice and Licensing \(Scotland\) Act 2010](#) (asp 13) and section 6(4) of the [Partnerships \(Prosecution\) \(Scotland\) Act 2013](#) (c. 21), and by S.I. 2001/1149.
- M2** 1925 c. 86. Section 33 is amended by Schedule 6 to the [Magistrates' Courts Act 1952](#) (c. 55), **Part 2** of Schedule 8 to the [Courts Act 1971](#) (c. 23) and paragraph 71 of Schedule 8 and Schedule 10, to the [Courts Act 2003](#) (c. 39).
- M3** 1980 c. 43. Schedule 3 is amended by section 25(2) of, and Schedule 13 to, the [Criminal Justice Act 1991](#) (c. 53), and paragraph 51(13) of Part 2 of Schedule 3, and Part 4 of Schedule 37 to, the [Criminal Justice Act 2003](#) (c. 44).
- 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 The Fluorinated Greenhouse Gases Regulations 2015, Section 30.