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STATUTORY INSTRUMENTS

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**2015 No. 821**

**The Nagoya Protocol (Compliance) Regulations 2015**

**PART 5**

Offences and penalties

**Offences by bodies corporate, partnerships and unincorporated associations**

**15.**—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

(a) rules of court relating to the service of documents have effect as if the partnership or unincorporated 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 (procedure on charge of offence against corporation) and Schedule 3 to the Magistrates' Courts Act 1980 (corporations); and

(ii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (procedure on charge) and Schedule 4 to the Magistrates Courts' (Northern Ireland) Order 1981 (corporations).

(3) 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 association.

(4) 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 the negligence of an officer,

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

(5) 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 the negligence of a partner,

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

(6) If an offence under these Regulations committed by an unincorporated association is proved—

(a) to have been committed with the consent or connivance of an officer of the association or member of its governing body, or

(b) to be attributable to the negligence of that officer or member,

that 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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**Status:** *This version of this provision no longer has effect.*

**Changes to legislation:** *There are currently no known outstanding effects for the The Nagoya Protocol (Compliance) Regulations 2015, Section 15. (See end of Document for details)*

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(7) In paragraphs (4), (5) and (6), any reference to an officer, partner or member, as the case may be, includes any person purporting to act in such a capacity.

**Status:**

This version of this provision no longer has effect.

**Changes to legislation:**

There are currently no known outstanding effects for the The Nagoya Protocol (Compliance) Regulations 2015, Section 15.