
STATUTORY INSTRUMENTS

2017 No. 1200

The Control of Mercury (Enforcement) Regulations 2017

PART 7

Criminal enforcement

Offences by bodies corporate etc.

46.—(1) If an offence under this Part committed by a body corporate is shown to be one or both of the following—

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

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

(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 their functions of management as if the member was a director of the body.

(3) If an offence under this Part committed by a partnership is shown to be one or both of the following—

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

that officer (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(4) If an offence under this Part committed by an unincorporated association (other than a partnership) is shown to be one or both of the following—

- (a) committed with the consent or the connivance of an officer of the association;
- (b) attributable to any neglect on the part of an officer,

that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(5) “Officer” means—

- (a) in relation to a body corporate—
 - (i) a director, secretary, chief executive, member of the committee of management, or a person purporting to act in such a capacity, or
 - (ii) an individual who is a controller of the body, or a person purporting to act as a controller;
- (b) in relation to an unincorporated association, means any officer of the association or any member of its governing body, or a person purporting to act in such a capacity;

Changes to legislation: *There are currently no known outstanding effects for the The Control of Mercury (Enforcement) Regulations 2017, Section 46. (See end of Document for details)*

- (c) in relation to a partnership, means a partner, and any manager, secretary or similar officer of the partnership, or a person purporting to act in such a capacity.

Changes to legislation:

There are currently no known outstanding effects for the The Control of Mercury (Enforcement) Regulations 2017, Section 46.