



Administration of Justice Act 1985

1985 CHAPTER 61

PART II

LICENSED CONVEYANCING

Miscellaneous and supplemental

36 Offences by bodies corporate.

[^{F1}(1)] Where an offence under this Part which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any [^{F2}officer of the body corporate], he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[^{F3}(2)] Where the affairs of a body corporate are managed by its members, subsection (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 the body corporate.

(3) Proceedings for an offence under this section alleged to have been committed by an unincorporated body are to be brought in the name of that body (and not in that of any of its members) and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a corporation.

(4) A fine imposed on an unincorporated body on its conviction of an offence under this section is to be paid out of the funds of that body.

(5) If an unincorporated body is charged with an offence under this section, section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980 (procedure on charge of an offence against a corporation) have effect in like manner as in the case of a corporation so charged.

(6) Where an offence under this section committed by an unincorporated body (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any officer of the body or any member

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Section 36. (See end of Document for details)

of its governing body, that officer or member as well as the unincorporated body is guilty of the offence and liable to be proceeded against and punished accordingly.

- (7) Where an offence under this section committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (8) In this section “officer”, in relation to a body corporate, means—
- (a) any director, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity.]

Textual Amendments

- F1** S. 36 renumbered (31.3.2009) as s. 36(1) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 26(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F2** Words in s. 36(1) substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 26(a)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**
- F3** S. 36(2)-(8) inserted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 182, 211, **Sch. 17 para. 26(b)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(c)(i)**

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