

CHILDREN AND FAMILIES (WALES) MEASURE 2010

EXPLANATORY NOTES

Part 2: Child Minding and Day Care for Children

Section 51: Unincorporated associations

112. **Section 51** makes provision that where an offence is committed by an unincorporated association, proceedings must be brought in the name of the association (and not in the name of any of its members). Rules of court apply in relation to the service of documents on an unincorporated association as if they were a body corporate. It also provides, just as with a body corporate, that an officer or member of the association is guilty of an offence if it is committed with their consent or connivance or is due to any neglect on their part of an officer of the association or a member of its governing body and they may be liable to prosecution as well as the association. Subsection (3) makes provision about the circumstances in which an association may be represented in proceedings by a duly authorised person. Subsection (4) provides that a fine imposed on an unincorporated association is to be paid out of the association's funds.