
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015

PART 4

ENFORCEMENT AND ADMINISTRATION

Offences by partnerships and unincorporated associations

16.—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership, a Scottish partnership or an unincorporated association may be brought against the partnership, Scottish partnership or association by its name.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate;
- (b) section 33 of the Criminal Justice Act 1925(1) and Schedule 3 to the Magistrates' Courts Act 1980(2) apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership, Scottish partnership or association on its conviction for an offence under these Regulations is to be paid out of the funds of the partnership, Scottish partnership or association.

(4) Any penalty imposed on a Scottish partnership or unincorporated association on conviction of an offence under these Regulations by a court in Scotland is to be recovered by civil diligence in accordance with section 221 of the Criminal Procedure (Scotland) Act 1995.

(5) Where an offence under these Regulations committed by a partnership or a Scottish 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 or Scottish partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(6) Where an offence under these Regulations committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(7) In paragraph (5), “partner” includes a person purporting to act as a partner.

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- (1) 1925 c. 86. Subsections (1) and (2) of section 33 were repealed by section 132 of, and Schedule 6 to, the Magistrates' Courts Act 1952 (c. 55); subsection (3) was amended by section 56(1) of, and paragraph 19 of Part 2 of Schedule 8 to, the Courts Act 1971 (c. 23); subsection (4) was amended by section 109(1) and (3) of, and paragraph 71 of Schedule 8 to, and Schedule 10 to, the Courts Act 2003 (c. 39); subsection (5) was repealed by section 132 of, and Schedule 6 to, the Magistrates' Courts Act 1952.
- (2) 1980 c. 43. Paragraph 2(a) of Schedule 3 was repealed by sections 41 and 332 of, paragraph 51(1) and 13(a) of Schedule 3 to, and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44); paragraph 5 was repealed by sections 25(2) and 101(2) of, and Schedule 13 to, the Criminal Justice Act 1991 (c. 53); paragraph 6 was amended by section 41 of, and paragraph 51(1) and (13)(b) of Schedule 3 to, the Criminal Justice Act 2003.

(8) In paragraph (6), “officer” means an officer of the association or a member of its governing body, or a person purporting to act in such a capacity.