



Licensing Act 2003

2003 CHAPTER 17

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

General provisions about offences

186 Proceedings for offences

- (1) In this section “offence” means an offence under this Act.
- (2) Proceedings for an offence may be instituted—
 - (a) by a licensing authority,
 - (b) by the Director of Public Prosecutions, or
 - (c) in the case of an offence under section 146 or 147 (sale of alcohol to children), by a local weights and measures authority (within the meaning of section 69 of the Weights and Measures Act 1985 (c. 72)).
- (3) In relation to any offence, section 127(1) of the Magistrates' Courts Act 1980 (information to be laid within six months of offence) is to have effect as if for the reference to six months there were substituted a reference to 12 months.

187 Offences by bodies corporate etc.

- (1) If an offence committed by a body corporate is shown—
 - (a) to have been committed with the consent or connivance of an officer, or
 - (b) to be attributable to any neglect on his part,the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) If 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 his functions of management as if he were a director of the body.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (1) “officer”, in relation to a body corporate, means—
 - (a) a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, or
 - (b) an individual who is a controller of the body.
- (4) If an offence committed by a partnership is shown—
 - (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to any neglect on his part,
 the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) In subsection (4) “partner” includes a person purporting to act as a partner.
- (6) If an offence committed by an unincorporated association (other than a partnership) is shown—
 - (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or
 - (b) to be attributable to any neglect on the part of such an 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.
- (7) Regulations may provide for the application of any provision of this section, with such modifications as the Secretary of State considers appropriate, to a body corporate or unincorporated association formed or recognised under the law of a territory outside the United Kingdom.
- (8) In this section “offence” means an offence under this Act.

188 Jurisdiction and procedure in respect of offences

- (1) A fine imposed on an unincorporated association on its conviction for an offence is to be paid out of the funds of the association.
- (2) Proceedings for an offence alleged to have been committed by an unincorporated association must be brought in the name of the association (and not in that of any of its members).
- (3) Rules of court relating to the service of documents are to have effect as if the association were a body corporate.
- (4) In proceedings for an offence brought against an unincorporated association, section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) (procedure) apply as they do in relation to a body corporate.
- (5) Proceedings for an offence may be taken—
 - (a) against a body corporate or unincorporated association at any place at which it has a place of business;
 - (b) against an individual at any place where he is for the time being.
- (6) Subsection (5) does not affect any jurisdiction exercisable apart from this section.
- (7) In this section “offence” means an offence under this Act.