



Gangmasters (Licensing) Act 2004

2004 CHAPTER 11

Supplementary

21 Application of Act to unincorporated associations

- (1) A licence under this Act may be granted to an unincorporated association (other than a partnership).
- (2) A licence granted to an unincorporated association authorises activities carried on by the association through such persons representing, or acting on behalf of, the association as are named or otherwise specified in the licence.
- (3) Proceedings for an offence under this Act alleged to have been committed by an unincorporated association may be brought against the association in the name of the association.
- (4) For the purposes of such proceedings—
 - (a) rules of court relating to the service of documents have effect as if the association were a body corporate, and
 - (b) the following provisions apply as they apply in relation to a body corporate—
section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43),
sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995,
section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/ 1675 (N.I. 26)).
- (5) A fine imposed on the association on its conviction of an offence shall be paid out of the funds of the association.
- (6) If an offence under this Act committed by an unincorporated association is shown—
 - (a) to have been committed with the consent or connivance of an officer of the association, or
 - (b) to be attributable to any neglect on his part,

Changes to legislation: *Gangmasters (Licensing) Act 2004, Section 21 is up to date with all changes known to be in force on or before 30 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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

- (7) In subsection (6) “officer”, in relation to any association, means—
- (a) any officer of the association or any member of its governing body, or
 - (b) any person purporting to act in such a capacity.

Commencement Information

II S. 21 in force at 1.4.2005 by S.I. 2005/447, art. 2(j)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(7) inserted by [2015 c. 20 s. 92](#)