
Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Cross Heading: Unincorporated associations. (See end of Document for details)

SCHEDULES

SCHEDULE 4

CHILD MINDING AND DAY CARE

Unincorporated associations

9 In Schedule 9A, after paragraph 5 insert—

“Provision of day care: unincorporated associations

- 5A (1) References in Part XA to a person, so far as relating to the provision of day care, include an unincorporated association.
- (2) Proceedings for an offence under Part XA which is 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) For the purpose of any such proceedings, 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 under Part XA brought against an unincorporated association, section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980 (procedure) apply as they do in relation to a body corporate.
- (5) A fine imposed on an unincorporated association on its conviction of an offence under Part XA is to be paid out of the funds of the association.
- (6) If an offence under Part XA committed by an unincorporated association 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,
- the officer or member as well as the association is guilty of the offence and liable to proceeded against and punished accordingly.”

Commencement Information

- II Sch. 4 para. 9 wholly in force at 1.4.2006; Sch. 4 para. 9 not in force at Royal Assent see s. 67(7); Sch. 4 para. 9 in force for E. at 1.3.2005 by S.I. 2005/394, art. 2(1); Sch. 4 para. 9 in force for W. at 1.4.2006 by S.I. 2006/885, art. 2(2)

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