

HEALTH ACT 2006

EXPLANATORY NOTES

LOCAL HEALTH BOARDS AND WELSH HEALTH AUTHORITIES

Part 7

Final Provisions

Section 77: Offences committed by partnerships and other unincorporated associations

322. *Section 77* contains provisions regarding certain procedural matters where criminal proceedings are brought against partnerships or other unincorporated associations. First, *subsections (1) and (2)* provide that proceedings are to be brought against the partnership (and not individual partners) or, in the case of an unincorporated association, against the association (and not any of the individual members). However, *subsection (7)* makes it clear that these provisions do not prejudice the liability of such individuals under section 76. Secondly, *subsections (3) and (4)* provide that the rules of court applicable to a body corporate shall apply to a partnership or an unincorporated association. Thirdly, *subsections (5) and (6)* provide for fines to be paid out of partnership assets or the funds of the association.