



# Criminal Justice and Courts Act 2015

## 2015 CHAPTER 2

### PART 1

#### CRIMINAL JUSTICE

##### *Offences involving ill-treatment or wilful neglect*

#### **24 Care provider offence: application to unincorporated associations**

- (1) For the purposes of sections 21 and 23, an unincorporated association is to be treated as owing whatever duties of care it would owe if it were a body corporate.
- (2) Proceedings for an offence under those sections 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) In relation to such proceedings, rules of court relating to the service of documents have effect as if the unincorporated association were a body corporate.
- (4) In proceedings under section 21 or 23 brought against an unincorporated association, the following apply as they apply in relation to a body corporate—
  - (a) section 33 of the Criminal Justice Act 1925 (procedure on charge of offence against corporation);
  - (b) Schedule 3 to the Magistrates' Courts Act 1980 (provision about corporation charged with offence before a magistrates' court).
- (5) A fine imposed on an unincorporated association on its conviction of an offence under section 21 or 23 is to be paid out of the funds of the association.