



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

Offences

[^{F2}35A [^{F1}Offence by body corporate or partnership: liability of officers or partners]

(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) In relation to a body corporate whose affairs are managed by its members “director” means a member of the body corporate.]

[^{F3}(3) Proceedings for an offence under this Act alleged to have been committed by a partnership are to be brought against the partnership in the name of the firm and not in that of the partners; but without prejudice to any liability of the partners under subsection (6) or (7).

(4) The following provisions apply for the purposes of such proceedings as in relation to a body corporate—

- (a) any rules of court relating to the service of documents;
- (b) in England and Wales, Schedule 3 to the Magistrates' Courts Act 1980;
- (c) in Northern Ireland, Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981.

(5) A fine imposed on a partnership (other than a Scottish partnership) on its conviction in such proceedings must be paid out of the partnership assets.

(6) Where a partnership (other than a Scottish partnership) is guilty of an offence under this Act, every partner, other than a partner who is proved to have been ignorant of or to have attempted to prevent the commission of the offence, is also guilty of the offence and liable to be proceeded against and punished accordingly.

(7) Where an offence under this Act committed by a Scottish partnership is proved to have been committed with the consent or connivance of a partner in the partnership, or a

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person purporting to act in that capacity, he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.]

Textual Amendments

- F1** S. 35A title substituted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 14**, 24(1); S.I. 2014/2330, [art. 3](#), [Sch.](#)
- F2** S. 35A inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 272, **Sch. 3 para. 25(1)(2)**
- F3** Ss. 35A(3)-(7) inserted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 14**, 24(1); S.I. 2014/2330, [art. 3](#), [Sch.](#)

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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. 22(1)(aa) and word inserted by [2014 c. 18 s. 9\(2\)](#)
- s. 22(5) inserted by [2014 c. 18 s. 9\(4\)](#)
- s. 22(6)(7) inserted by [2014 c. 18 s. 9\(5\)](#)