
STATUTORY INSTRUMENTS

2010 No. 699

The Environment Agency (Inland Waterways) Order 2010

PART 4

PROVISIONS AS TO OFFENCES

Offences by bodies corporate etc.

21.—(1) If an offence committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on the part of an officer,

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

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if the member were a director of the body.

(3) In paragraph (1) "officer", in relation to a body corporate, means—

- (a) a director, member of the committee of management, chief executive, manager or other similar officer of the body, or a person purporting to act in any such capacity; and
- (b) an individual who is a controller of the body.

(4) If an offence committed by a partnership is shown—

- (a) to have been committed with the consent or connivance of a partner, or
- (b) to be attributable to any neglect on the part of a partner,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In paragraph (4) "partner" includes a person purporting to act as a partner.

(6) If an offence 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,

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

(7) Regulations made under section 187(7) of the Licensing Act 2003⁽¹⁾ (regulations in respect of offences by foreign bodies) are to have effect with necessary modifications in relation to the provisions of this article.

(8) In this article "offence" means an offence under this Order.

Changes to legislation: There are currently no known outstanding effects for the The Environment Agency (Inland Waterways) Order 2010, Section 21. (See end of Document for details)

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