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## STATUTORY INSTRUMENTS

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# 2016 No. 715

## The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016

### PART 3

#### Administration and enforcement

#### CHAPTER 8

#### Offences

#### **Proceedings against unincorporated bodies**

**27.**—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or other unincorporated association must be brought in the name of the partnership or association (and not in that of any of its members).

(2) A fine imposed on a partnership or association on its conviction of an offence is to be paid out of the funds of the partnership or association.

(3) Rules of court relating to the service of documents are to have effect as if a partnership or association were a body corporate.

(4) In proceedings for an offence brought against a partnership or association—

(a) section 33 <sup>M1</sup> (procedure on charge of offence against corporation) of the Criminal Justice Act 1925 and section 46 (corporations) of and Schedule 3 <sup>M2</sup> to the Magistrates' Courts Act 1980 apply as they do in relation to a body corporate;

(b) section 70 and 143 <sup>M3</sup> (proceedings against organisations) of the Criminal Procedure (Scotland) Act 1995 apply; and

(c) section 18 (procedure on charge) of the Criminal Justice (Northern Ireland) Act 1945 <sup>M4</sup> and section 166 (corporations) of and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 <sup>M5</sup> apply as they do in relation to a body corporate.

(5) Summary proceedings for an offence under regulation 24 may be taken—

(a) against a body corporate or unincorporated association at any place at which it has a place of business; and

(b) against an individual at any place where that individual is for the time being.

(6) Paragraph (5) does not affect any jurisdiction exercisable apart from this regulation.

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**Changes to legislation:** *The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016, Section 27 is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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### Marginal Citations

- M1** 1925 c.86. Section 33 was amended by the Magistrates' Courts Act 1952 (c.55), **section 132** and Schedule 6, the Courts Act 1971 (c.23), **Schedule 8**, and the Courts Act 2003 (c.39), **Schedule 8**, paragraph 71 and Schedule 10.
- M2** 1980 c.43. Schedule 3 was amended by the Criminal Justice Act 1991 (c.53), **section 25(2)** and Schedule 13, and the Criminal Justice Act 2003 (c.44), **Schedule 3**, paragraph 51 and Schedule 37, Part 4.
- M3** 1995 c.46. Section 70 was amended by section 66 of the Criminal Justice and Licensing (Scotland) Act 2010 asp 13. Section 143 is amended by section 67 of the Criminal Justice and Licensing (Scotland) Act 2010 asp 13, **section 17** of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 asp 6 and S.S.I. 2001/128.
- M4** 1945 c.15.
- M5** S.I. 1981/1675.

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**Changes and effects yet to be applied to :**

- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)