

STATUTORY INSTRUMENTS

2018 No. 408

The Nuclear Security (Secretary of State Security Directions) Regulations 2018

Offences by partnerships

14.—(1) Proceedings for an offence alleged to have been committed by a partnership may be brought in the name of the partnership.

(2) Rules of court relating to the service of documents have effect in relation to proceedings for an offence as if the partnership were a body corporate.

(3) For the purposes of such proceedings the following provisions apply as they apply in relation to a body corporate—

- (a) section 33 of the Criminal Justice Act 1925 ^{M1} and Schedule 3 to the Magistrates' Court Act 1980 ^{M2};
- (b) sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995 ^{M3};
- (c) section 18 of the Criminal Justice Act (Northern Ireland) 1945 ^{M4} and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 ^{M5}.

(4) A fine imposed on a partnership on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership.

(5) Where an offence under these Regulations committed by a partnership is proved—

- (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 is liable to be proceeded against and dealt with accordingly.

(6) Where an offence under these Regulations committed by a Scottish partnership is proved—

- (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 is liable to be proceeded against and dealt with accordingly.

(7) In this regulation, “partner” includes a person purporting to act as a partner.

Marginal Citations

M1 1925 c. 86. Section 33 has been amended by the Magistrates' Courts Act 1952 (c. 55), [section 132](#) and Schedule 6; by the Courts Act 1971 (c. 23), [Schedule 8](#), paragraph 19 and by the Courts Act 2003 (c. 39), [Schedule 10](#), paragraph 1 (subject to the savings specified in Courts Act 2003 (Commencement No. 6 and Savings) Order 2004/2066, article 10).

M2 1980 c. 43.

M3 1995 c. 46. Section 70 has been amended by the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), [section 66](#); by the Partnerships (Prosecution) (Scotland) Act 2013 (c. 21), [section 6\(4\)](#); by

Changes to legislation: There are currently no known outstanding effects for the *The Nuclear Security (Secretary of State Security Directions) Regulations 2018, Section 14.* (See end of Document for details)

the Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001/1149, Schedule 1, paragraph 104; by the [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), [section 10](#); by the [Criminal Justice \(Scotland\) Act 2004 \(asp 1\)](#), [section 83\(a\)](#); and by the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [section 28](#). Section 143 has been amended by the [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [section 67](#); by the [Limited Liability Partnerships \(Scotland\) Regulations 2001 \(S.S.I. 2001/128\)](#), [Schedule 4](#), paragraph 3 and by the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007](#), section 17.

M4 1945 c.15. Section 18 has been amended by the [Magistrates' Courts Act \(Northern Ireland\) 1964 \(c. 21\)](#) and by the [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), [Schedule 12](#).

M5 [S.I. 1981/1675 \(N.I.26\)](#).

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