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STATUTORY INSTRUMENTS

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**2014 No. 3085**

The Immigration Act 2014 (Bank Accounts) Regulations 2014

PART 5

Disciplinary measures and offences

**Proceedings against unincorporated bodies**

**23.**—(1) Proceedings for an offence under regulation 20 (misleading the FCA) 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 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 (procedure on charge of offence against corporation) of the Criminal Justice Act 1925<sup>(1)</sup> and section 46 (corporations) of and Schedule 3 to the Magistrates' Courts Act 1980<sup>(2)</sup> apply as they do in relation to a body corporate;

(b) sections 70 and 143 (proceedings against organisations) of the Criminal Procedure (Scotland) Act 1995<sup>(3)</sup> apply;

(c) section 18 (procedure on charge) of the Criminal Justice (Northern Ireland) Act 1945<sup>(4)</sup> and Schedule 4 (corporations) to the Magistrates' Courts (Northern Ireland) Order 1981<sup>(5)</sup> apply as they do in relation to a body corporate.

(5) Summary proceedings for an offence under regulation 20 may be taken—

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

(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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(1) 1925 c.86. Section 33 is 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.

(2) 1980 c.43. Schedule 3 is 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.

(3) 1995 c.46. Section 70 is 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.

(4) 1945 c.15.

(5) S.I. 1981/1675 .