
STATUTORY INSTRUMENTS

2019 No. 1517

The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019

PART 11

Offences relating to plant health legislation

Offences by partnerships and unincorporated associations

47.—(1) Proceedings for an offence under this Part [^{F1}or paragraph 22 of Schedule 4A (failure to comply with a stop notice)] alleged to have been committed by a partnership or an unincorporated association must be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate; and
- (b) section 33 of the Criminal Justice Act 1925 (procedure on charge of offence against corporation) ^{M1} and Schedule 3 to the Magistrates' Courts Act 1980 (corporations) ^{M2} apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or unincorporated association on its conviction of an offence under this Part is to be paid out of the funds of the partnership or association.

(4) If an offence under this Part 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 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 under this Part committed by an unincorporated association (other than a partnership) is proved—

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

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

(7) In paragraph (6), “officer”, in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body; or
- (b) a person purporting to act in such a capacity.

Textual Amendments

- F1** Words in [reg. 47\(1\)](#) inserted (29.10.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) \(Amendment\) \(No. 4\) Regulations 2020 \(S.I. 2020/1089\)](#), regs. 1, **2(7)**

Commencement Information

- I1** Reg. 47 in force at 14.1.2020, see [reg. 1\(1\)](#)

Marginal Citations

- M1** [1925 c. 86](#); section 33 was repealed in part by Schedule 6 to the [Magistrates Courts Act 1952 \(c. 55\)](#), and amended by paragraph 19 of Schedule 8 to the [Courts Act 1971 \(c. 23\)](#) and paragraph 71 of Schedule 8, and Schedule 10, to the [Courts Act 2003 \(c. 39\)](#) (subject to savings specified in [S.I. 2004/2066](#)).
- M2** [1980 c. 43](#); Schedule 3 was amended by Schedule 13 to the [Criminal Justice Act 1991 \(c. 53\)](#) and paragraph 51 of Schedule 3, and Part 4 of Schedule 37 to the [Criminal Justice Act 2003 \(c. 44\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019, Section 47.