



## 2022 CHAPTER 26

### **Offences by bodies corporate etc.**

5.—(1) For the purposes of this Act, section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with the functions of management as if that member were a director of the body corporate.

(2) If an offence 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 the partner,

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

(3) In subsection (2) “partner” includes a person purporting to act as a partner.

(4) If an offence 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 a member of its governing body, or
- (b) to be attributable to any neglect on the part of such an officer or member,

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

(5) Proceedings for an offence alleged to have been committed by a partnership must be brought in the name of the partnership (and not in that of any of the partners).

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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(6) Proceedings for an offence alleged to have been committed by an unincorporated association (other than a partnership) must be brought in the name of the association (and not in that of any of its members).

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

(8) A fine imposed on a partnership on its conviction for an offence is to be paid out of the partnership assets.

(9) A fine imposed on an unincorporated association on its conviction for an offence is to be paid out of the funds of the association.

(10) Subsections (5) and (6) are not to be read as prejudicing any liability of a partner, officer or member under subsection (2) or (4).

(11) In this section, “offence” means an offence under section 1.