
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 8

**The Areas of Natural Constraint
Regulations (Northern Ireland) 2017**

Offences by bodies corporate, partnerships or unincorporated associations

17.—(1) Proceedings for an offence under regulation 16 alleged to have been committed by a partnership or an unincorporated association shall be brought in the name of the partnership or association, and not in the name of any of the partners or members.

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

- (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 18 of the Criminal Justice Act (Northern Ireland) 1945⁽¹⁾ and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981⁽²⁾ apply as they apply in relation to a body corporate.

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

(4) For the purposes of these Regulations, 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 and omissions of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(5) If an offence under regulation 16 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 the negligence of a partner,

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

(6) If an offence under regulation 16 committed by an unincorporated association (other than a partnership) is proved—

- (a) to have been committed with the consent or connivance of an officer or member of the governing body of the association or other person having management responsibilities in respect of the association, or
- (b) to be attributable to the neglect on the part of the officer, member or other person,

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

(1) 1945 c. 15

(2) S.I. 1981/1675 (N.I. 26)