
DRAFT STATUTORY INSTRUMENTS

2023 No.

**The Microchipping of Cats and
Dogs (England) Regulations 2023**

Corporate bodies, partnerships and unincorporated associations

16.—(1) Where—

- (a) an offence under these Regulations has been committed by a body corporate, partnership, Scottish partnership or other unincorporated association, and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, an individual (including an individual purporting to act in the capacity of a relevant individual),

the relevant individual as well as the body corporate, partnership, Scottish partnership or other unincorporated association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a partnership or a Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

(3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(4) For the purposes of proceedings pursuant to paragraph (3) the following provisions apply as if the partnership or unincorporated association were a body corporate—

- (a) rules of court relating to the service of documents;
- (b) section 33 of the Criminal Justice Act 1925(1); and
- (c) Schedule 3 to the Magistrates’ Courts Act 1980(2).

(5) A fine imposed on a partnership or an unincorporated association on conviction for an offence under these Regulations is to be paid out of the funds of the partnership or association.

(1) 1925 c. 86. Subsections (1), (2) and (5) of section 33 of the Criminal Justice Act 1925 were repealed by section 132 of, and Schedule 6 to, the Magistrates’ Courts Act 1952 (c. 55), subsection (3) was amended by section 56(1) of, and Part 2, paragraph 19 of Schedule 8 to, the Courts Act 1971 (c. 23) and subsection (4) was partially repealed by section 109(1) and (3) of, and paragraph 71 of Schedule 8 and Schedule 10 to, the Courts Act 2003 (c. 39).

(2) 1980 c. 43. Paragraph 2(a) of Schedule 3 to the Magistrates’ Court Act 1980 was amended by section 47 of, and paragraph 13 of Schedule 1 to, the Criminal Procedure and Investigations Act 1996 (c. 25), paragraph 5 of Schedule 3 to that Act was repealed by sections 25(2) and 101(2) of, and Schedule 13 to, the Criminal Justice Act 1991 (c. 53) and paragraph 6 was amended by section 41 of, and paragraphs 51(1) and (13)(b) of Schedule 3 to, the Criminal Justice Act 2003 (c. 44).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The Microchipping of Cats and Dogs (England) Regulations 2023 No. 468
