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## SCHEDULES

### SCHEDULE 3

Section 46.

### CORPORATIONS

#### Modifications etc. (not altering text)

- C1** Sch. 3 extended by [Insurance Companies Act 1982 \(c. 50, SIF 67\)](#), **s. 92(3)(a)**
- C2** Sch. 3 extended by [Companies Act 1985 \(c. 6, SIF 27\)](#), **s. 734(3)**
- C3** Sch. 3 extended by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), **s. 203(3)**
- C4** Sch. 3 extended (prosp.) by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), **ss. 54(3)(a)(5), 124, 126(3), Sch. 21 para. 11(4)** (but the said Sch. 21 was repealed (22.7.2004) before it came into force by Statute Law (Repeals) Act 2004 c. 14, s. 1(1), **Sch. 1 Pt. 17 Gp. 2**)
- C5** Sch. 3 extended by [Banking Act 1987 \(c. 22, SIF 10\)](#), **s. 98(3)**
- C6** Sch. 3 applied by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#) **ss. 285(2)(b)**, the application being in force 13.8.1990 as mentioned in S.I. 1990/1400, **art. 2(b)**
- C7** Sch. 3 applied (1.3.1990 for certain purposes as mentioned in S.I. 1990/142, **art. 3** but otherwise 1.10.1991) by [Companies Act 1989 \(c.40, SIF 27\)](#), **ss. 44(3), 91(3)**; S.I. 1991/1996, **art. 2**  
Sch. 3 extended (6.1.1997) by S.I. 1996/2827, **reg. 70(3)**  
Sch. 3 applied (with modifications) (16.2.2001) by 2000 c. 41, **s. 153(3)** (with s. 156(6)); S.I. 2001/222, **art. 2, Sch. 1, Pt. I** (subject to Transitional Provisions in Pt. II)  
Sch. 3 applied (18.6.2001) by 2000 c. 8, **s. 403(4)(a)**; S.I. 2001/1820, **art. 2, Sch.**  
Sch. 3 applied (31.5.2002) by 2001 c. 24, **s. 69(4)(a)**; S.I. 2002/1279, **art. 2**  
Sch. 3 extended (7.11.2002) by 2002 c. 38, **ss. 143(5)(a), 148(1)** (with Sch. 4 paras. 6-8)
- C8** Sch. 3 applied (2.8.2004) by [The Justification of Practices Involving Ionising Radiation Regulations 2004 \(S.I. 2004/1769\)](#), **arts. 1, 25(1), Sch. 2 para. 11**  
Sch. 3 applied (7.2.2005) by [Licensing Act 2003 \(c. 17\)](#), **ss. 188(4), 201** (with **ss. 2(3), 15(2)** and 195); S.I. 2004/2360, **art. 2(1)**, Sch.  
Sch. 3 applied by 1989 c. 41, **Sch. 9A para. 5A(4)** (as inserted (1.3.2005 for E. and 1.4.2006 for W. ) by [Children Act 2004 \(c. 31\)](#), **ss. 48, 67, Sch. 4 para. 9**; S.I. 2005/394, **art. 2(1)(k)**; S.I. 2006/885, **art. 2(2)(c)**  
Sch. 3 applied (1.4.2005) by [Gangmasters \(Licensing\) Act 2004 \(c. 11\)](#), **ss. 21(4)(b), 29**; S.I. 2005/447, **art. 2(j)**  
Sch. 3 applied (1.4.2005) by [Gangmasters \(Licensing\) Act 2004 \(c. 11\)](#), **ss. 22(6)(b), 29**; S.I. 2005/447, **art. 2(k)**  
Sch. 3 applied (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), **ss. 207(4), 277**  
Sch. 3 applied (1.3.2007) by [National Health Service \(Wales\) Act 2006 \(c. 42\)](#), **ss. 155(4), 208** (with s. 19(3))  
Sch. 3 applied (6.4.2007) by [Childcare Act 2006 \(c. 21\)](#), **ss. 88(3), 109**; S.I. 2007/1019, **art. 4**  
Sch. 3 applied (15.12.2007) by [The Money Laundering Regulations 2007 \(S.I. 2007/2157\)](#), **reg. 47(8)(a)**  
Sch. 3 applied (15.12.2007) by [The Transfer of Funds \(Information on the Payer\) Regulations 2007 \(S.I. 2007/3298\)](#), **reg. 16(8)(a)**
- C9** Sch. 3 applied (20.1.2007 for specified purposes and 6.4.2007 for further specified purposes and 1.10.2007 for further specified purposes and 6.4.2008 further specified purposes and 1.10.2008 for further specified purposes and otherwise 1.10.2009) by [Companies Act 2006 \(c. 46\)](#), **ss. 1130(2)(b)(i)** (with s. 1133), 1300; S.I. 2006/3428, **art. 3(2)(b)** (with arts. 6, 12(2)); S.I. 2007/1093, **art. 2(2)(c)** (with

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- art. 11); S.I. 2007/2194, **art. 2(1)(l)** (with art. 12); S.I. 2007/3495, arts. {3(3)(g)}, {5(3)(a)} (with arts. 7, 12); S.I. 2008/2860, **art. 3(s)** (with arts. 5, 7, 8, Sch. 2)
- C10** Sch. 3 applied (1.2.2007 (W.) for certain purposes and 2.4.2007 (W.) for further certain purposes and 1.7.2007 (E.) for certain purposes, and 22.4.2008 (E.) for further certain purposes and 13.12.2008 (W.) for further certain purposes and otherwise prosp.) by Health Act 2006 (c. 28), **ss. 77(4)(a)**, 83; S.I. 2007/204, arts. {2}, {3}; S.I. 2007/1375, **art. 2**; S.I. 2008/1147, **art. 3(b)(c)**; S.I. 2008/3171, **art. 2(b)**
- C11** Sch. 3 applied (6.4.2008) by Companies Act 2006 (c. 46), **ss. 1257(3)**, 1300; S.I. 2007/3495, **art. 3(1)(u)**
- C12** Sch. 3 extended (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 197(5)**, 211 (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(g)**
- C13** Sch. 3 applied by 1985 c. 61, s. 10(7) (as substituted (31.3.2009) by Legal Services Act 2007 (c. 29), ss. 177, 211, **Sch. 16 para. 83(4)** (with ss. 29, 192, 193); S.I. 2009/503, **art. 2(b)(ii)**)
- C14** Sch. 3 applied (6.4.2008) by Serious Crime Act 2007 (c. 27), **ss. 31(6)(b)(i)**, **32(5)(b)(i)**, 94; S.I. 2008/755, **art. 15(1)(f)** (subject to art 15(2)(3))
- C15** Sch. 3 applied (12.1.2009) by Health and Social Care Act 2008 (c. 14), **ss. 92(3)**, 170; S.I. 2008/3168, **art. 2(1)(q)** (subject to art. 2(2) and with transitional provisions in arts. 3-8)
- C16** Sch. 3 applied (12.10.2009) by Education and Skills Act 2008 (c. 25), **ss. 136(3)**, 173; S.I. 2009/1606, **art. 4**
- C17** Sch. 3 applied (prosp.) by Pensions Act 2008 (c. 30), **ss. 47(2)(b)(i)**, 149
- C18** Sch. 3 applied (5.2.2008) by Transport Act 1968 (c. 73), s. 102B(4)(a) (as inserted by The Passenger and Goods Vehicles (Recording Equipment) (Downloading and Retention of Data) Regulations 2008 (S.I. 2008/198), regs. 1(1), **3**)
- C19** Sch. 3 applied (9.3.2009) by The Ozone-Depleting Substances (Qualifications) Regulations 2009 (S.I. 2009/216), **reg. 10(6)(b)(i)**
- C20** Sch. 3 applied (9.3.2009) by The Fluorinated Greenhouse Gases Regulations 2009 (S.I. 2009/261), **reg. 52(6)(b)(i)**
- C21** Sch. 3 applied (27.4.2009) by The Organic Products Regulations 2009 (S.I. 2009/842), **reg. 28(4)(a)**
- C22** Sch. 3 applied (1.5.2009) by The Payment Services Regulations 2009 (S.I. 2009/209), regs. 1(2)(b)(xiii), **118(4)(a)**
- C23** Sch. 3 applied (E.) (30.6.2009) by The Swine Vesicular Disease Regulations 2009 (S.I. 2009/1299), **reg. 44(2)(b)**
- C24** Sch. 3 applied (W.) (30.6.2009) by The Swine Vesicular Disease (Wales) Regulations 2009 (S.I. 2009/1372), **reg. 44(2)(b)**
- C25** Sch. 3 applied (E.) (1.7.2009) by The Marketing of Fresh Horticultural Produce Regulations 2009 (S.I. 2009/1361), **reg. 19(7)(b)**
- C26** Sch. 3 applied (W.) (16.7.2009) by The Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 (S.I. 2009/1551), **reg. 19(7)(b)**
- C27** Sch. 3 applied (1.8.2009) by The Horse Passports Regulations 2009 (S.I. 2009/1611), **reg. 24(2)(b)**
- C28** Sch. 3 applied (W.) (1.10.2009) by The Equine Identification (Wales) Regulations 2009 (S.I. 2009/2470), **reg. 24(2)(b)**
- C29** Sch. 3 applied (30.10.2009) by The Groundwater (England and Wales) Regulations 2009 (S.I. 2009/2902), **reg. 24(2)(b)**
- C30** Sch. 3 applied (E.) (31.12.2009) by The Sheep and Goats (Records, Identification and Movement) (England) Order 2009 (S.I. 2009/3219), {art. 40(2)(b)}
- C31** Sch. 3 applied (W.) (31.12.2009) by The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2009 (S.I. 2009/3364), {art. 43(2)(b)}
- C32** Sch. 3 applied (1.1.2010) by The Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009 (S.I. 2009/3263), **reg. 12(2)(b)(i)**
- C33** Sch. 3 extended (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 197(5)**, 211(2) (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(g)**
- C34** Sch. 3 applied (8.3.2010) by The Mercury Export and Data (Enforcement) Regulations 2010 (S.I. 2010/265), regs. 2, **7(7)(b)(i)**
- C35** Sch. 3 applied (6.4.2010) by The Detergents Regulations 2010 (S.I. 2010/740), regs. 1(2), **24(2)(b)(i)**

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- C36** Sch. 3 applied (17.9.2010) by [The Marketing of Fruit Plant Material Regulations 2010 \(S.I. 2010/2079\)](#), regs. 1, **22(3)** (with reg. 3)
- C37** Sch. 3 applied (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), arts. 1(5), **15(3)**; S.I. 2010/1621, art. 2(1), Sch.
- C38** Sch. 3 applied (with modifications) (W.) (4.3.2011) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2011 \(S.I. 2011/600\)](#), regs. 1, **19(7)(b)(ii)**
- C39** Sch. 3 applied (E.) (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), regs. 1(b), **19(4)(b)(ii)**
- C40** Sch. 3 applied (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), regs. 1(2), **43(2)(b)** (with regs. 2, 47(2))
- C41** Sch. 3 applied (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), ss. **51(3)**, 75(3); S.I. 2010/2582, art. 2, Sch. 1 (with Schs. 2, 3)
- C42** Sch. 3 applied (E.) (25.5.2011) by [The Trade in Animals and Related Products Regulations 2011 \(S.I. 2011/1197\)](#), regs. 1, **41(2)(b)** (with reg. 3)
- C43** Sch. 3 applied (1.7.2011) by [Bribery Act 2010 \(c. 23\)](#), ss. **15(2)(b)(i)**, 19(1) (with ss. 16, 19(5)); S.I. 2011/1418, art. 2
- C44** Sch. 3 applied (19.10.2011) by [The Trade in Animals and Related Products \(Wales\) Regulations 2011 \(S.I. 2011/2379\)](#), regs. 1, **41(2)(b)**
- C45** Sch. 3 applied (W.) (20.10.2011) by [The Animal By-Products \(Enforcement\) \(No. 2\) \(Wales\) Regulations 2011 \(S.I. 2011/2377\)](#), regs. **19(4)(b)(ii)**, 31(2)
- C46** Sch. 3 applied (with modifications) (30.12.2011) by [The Wine Regulations 2011 \(S.I. 2011/2936\)](#), regs. 1(2), **16(2)(b)** (with reg. 3(9))
- C47** Sch. 3 modified (1.4.2012) by [Red Meat Industry \(Wales\) Measure 2010 \(nawm 3\)](#), ss. **12(5)**, 18(2); S.I. 2011/2802, art. 2(2) (with arts. 3, 4)
- C48** Sch. 3 applied (11.5.2012) by [The Quality Standards for Green Bananas \(England and Wales\) Regulations 2012 \(S.I. 2012/947\)](#), regs. 1(b), **20(7)(b)**
- C49** Sch. 3 applied (30.6.2012) by [Pensions Act 2008 \(c. 30\)](#), ss. **47(2)(b)(i)**, 149(1); S.I. 2012/1682, art. 2, Sch. 2
- C50** Sch. 3 applied (1.2.2007 for W. for specified purposes, 2.4.2007 for W. for specified purposes, 1.7.2007 for E. for specified purposes, 22.4.2008 for E.W.S. for specified purposes, 13.12.2008 for W. for specified purposes, 1.8.2012 for N.I. for specified purposes) by [Health Act 2006 \(c. 28\)](#), ss. **77(4)(a)**, 83(4)(a), (a), (6)(b), (7), (7); S.I. 2007/204, arts. 2(c), 3(c); S.I. 2007/1375, art. 2(b); S.I. 2008/1147, art. 3(b)(c); S.I. 2008/3171, art. 2(b); S.R. 2012/307, art. 2(b)
- C51** Sch. 3 applied (3.3.2013) by [The Timber and Timber Products \(Placing on the Market\) Regulations 2013 \(S.I. 2013/233\)](#), regs. 1(2), **6(2)(b)(i)**
- C52** Sch. 3 applied (with modifications) (E.) (12.12.2013) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2013 \(S.I. 2013/2952\)](#), regs. 1(2), **19(4)(c)**
- C53** Sch. 3 applied (with modifications) (1.3.2014) by [The Olive Oil \(Marketing Standards\) Regulations 2014 \(S.I. 2014/195\)](#), regs. 1, **15(2)(b)**
- C54** Sch. 3 applied (with modifications) (W.) (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), regs. 1(2)(3), **19(4)(c)**

- 1 (1) A magistrates' court may commit a corporation for trial by an order in writing empowering the prosecutor to prefer a bill of indictment in respect of the offence named in the order.
- (2) An order under this paragraph shall not prohibit the inclusion in the bill of indictment of counts that under section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 may be included in the bill in substitution for, or in addition to, counts charging the offence named in the order.
- 2 A representative may on behalf of a corporation—

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- [<sup>F1</sup>(a) [<sup>F2</sup>make before examining justices such representations as could be made by an accused who is not a corporation;]]
- (b) consent to the corporation being tried summarily;
- (c) enter a plea of guilty or not guilty on the trial by a magistrates' court of an information.

#### Textual Amendments

- F1** Sch. 3 para. 2(a) substituted (4.7.1996 with effect as mentioned in **Sch. 1 para. 39** of the amending Act and S.I. 1997/683) by 1996 c. 25, s. 47, **Sch. 1 Pt. I para.13 Pt. III para. 39** (with s. 78(1)); S.I. 1997/683, **art. 1(2)**
- F2** Sch. 3 para. 2(a) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 3 para. 51(13)(a)**, **Sch. 3 Pt. 4**; S.I. 2012/1320, **art. 4(1)(c)(d)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, **art. 4(2)** and S.I. 2013/1103, **art. 4**); S.I. 2012/2574, **art. 2(2)(3)(c)(d)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**); S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

- 3 (1) Where a representative appears, any requirement of this Act that anything shall be done in the presence of the accused, or shall be read or said to the accused, shall be construed as a requirement that that thing shall be done in the presence of the representative or read or said to the representative.
- (2) Where a representative does not appear, any such requirement, and any requirement that the consent of the accused shall be obtained for summary trial, shall not apply.
- 4 (1) Notification or intimation for the purposes of subsections (2) and (3) of section 12 above may be given on behalf of a corporation by a director or the secretary of the corporation; and those subsections shall apply in relation to a notification or intimation purporting to be so given as they apply to a notification or intimation purporting to be given by an individual accused.
- (2) In this paragraph "director", in relation to a corporation which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that corporation.

<sup>F35</sup> .....

#### Textual Amendments

- F3** Sch. 3 para. 5 repealed (1.10.1992) by **Criminal Justice Act 1991 (c. 53)**, SIF 39:1), ss. 25(2), 101(2), **Sch.13** (with s. 28); S.I. 1992/333, **art. 2(2)**, **Sch.2**

- 6 Subject to the preceding provisions of this Schedule, the provisions of this Act relating to the [<sup>F4</sup>trial of] indictable offences shall apply to a corporation as they apply to an adult.

#### Textual Amendments

- F4** Words in Sch. 3 para. 6 substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 3 para. 51(13)(b)**; S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, **art. 4(2)** and S.I. 2013/1103, **art.**

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4); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\), Sch.](#) (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)

7 Where a corporation and an individual who has attained the age of 17 are jointly charged before a magistrates' court with an offence triable either way, the court shall not try either of the accused summarily unless each of them consents to be so tried.

8 Subsection (6) of section 33 of the <sup>M1</sup>Criminal Justice Act 1925 shall apply to a representative for the purposes of this Schedule as it applies to a representative for the purposes of that section.

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**Marginal Citations**

**M1** 1925 c. 86.

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