



Gangmasters (Licensing) Act 2004

2004 CHAPTER 11

Supplementary

20 Application of Act to bodies corporate

- (1) A licence under this Act may be granted to a body corporate.
- (2) A licence granted to a body corporate authorises activities carried on by the body through such persons representing, or acting on behalf of, the body as are named or otherwise specified in the licence.
- (3) If an offence under this Act committed by a body corporate is shown—
 - (a) to have been committed with the consent or connivance of an officer of the body corporate, or
 - (b) to be attributable to any neglect on his part,the officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (4) In subsection (3) “officer” means—
 - (a) any director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person purporting to act in any such capacity.
- (5) If the affairs of a body corporate are managed by its members, subsection (3) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

21 Application of Act to unincorporated associations

- (1) A licence under this Act may be granted to an unincorporated association (other than a partnership).
- (2) A licence granted to an unincorporated association authorises activities carried on by the association through such persons representing, or acting on behalf of, the association as are named or otherwise specified in the licence.

- (3) Proceedings for an offence under this Act alleged to have been committed by an unincorporated association may be brought against the association in the name of the association.
- (4) For the purposes of such proceedings—
- (a) rules of court relating to the service of documents have effect as if the association were a body corporate, and
 - (b) the following provisions apply as they apply in relation to a body corporate—
section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43),
sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995,
section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/ 1675 (N.I. 26)).
- (5) A fine imposed on the association on its conviction of an offence shall be paid out of the funds of the association.
- (6) If an offence under this Act committed by an unincorporated association is shown—
- (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 his part,
- the officer, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (7) In subsection (6) “officer”, in relation to any association, means—
- (a) any officer of the association or any member of its governing body, or
 - (b) any person purporting to act in such a capacity.

22 Application of Act to partnerships

- (1) A licence under this Act may be granted to a partnership in the firm name.
- (2) Where the partnership is not regarded as a legal person under the law of the country or territory under which it is formed, the grant of a licence to the partnership in the firm name—
- (a) continues to have effect notwithstanding a change of partners, so long as at least one of the persons who was a partner before the change remains a partner after it; and
 - (b) has effect as the grant of a licence to those partners named in the licence.
- (3) If in the case of such a partnership an offence under this Act committed by a partner is shown—
- (a) to have been committed with the consent or connivance of another partner, or
 - (b) to be attributable to any neglect on the part of another partner,
- that other partner, as well as the first-mentioned partner, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (4) A licence granted to a partnership that is regarded as a legal person under the law of the country or territory under which it is formed authorises activities carried on by the partnership through those partners named in the licence.

- (5) Proceedings for an offence under this Act alleged to have been committed by such a partnership may be brought against the partnership in the firm name.
- (6) For the purposes of such proceedings—
- (a) rules of court relating to the service of documents have effect as if the partnership were a body corporate, and
 - (b) the following provisions apply as they apply in relation to a body corporate—
section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43),
sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995,
section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/ 1675 (N.I. 26)).
- (7) A fine imposed on a partnership on its conviction of an offence shall be paid out of the funds of the partnership.
- (8) If an offence under this Act committed by a partnership is shown—
- (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.
- (9) In subsections (3) and (8) “partner” includes a person purporting to act as a partner.