



Health Act 2006

2006 CHAPTER 28

PART 7

FINAL PROVISIONS

Offences

76 Offences by bodies corporate etc.

- (1) If an offence committed by a body corporate is proved—
 - (a) to have been committed with the consent or connivance of an officer, 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.
- (2) In subsection (1) “officer”, in relation to the body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.
- (3) If the affairs of a body corporate are managed by its members, subsection (1) 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.
- (4) 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 his part,the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) In subsection (4) “partner” includes a person purporting to act as a partner.
- (6) If an offence committed by an unincorporated association (other than a partnership) is proved—

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- (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.
- (7) In this section and section 77 “offence” means an offence under any provision of this Act.

Commencement Information

- I1** S. 76 in force at 1.2.2007 for specified purposes for W. by [S.I. 2007/204, art. 3\(c\)](#)
- I2** S. 76 in force at 2.4.2007 for specified purposes for W. by [S.I. 2007/204, art. 2\(c\)](#)

77 Offences committed by partnerships and other unincorporated associations

- (1) Proceedings for an offence alleged to have been committed by a partnership shall be brought in the name of the partnership (and not in that of any of the partners).
- (2) Proceedings for an offence alleged to have been committed by an unincorporated association (other than a partnership) shall be brought in the name of the association (and not in that of any of its members).
- (3) Rules of court relating to the service of documents shall have effect as if the partnership or unincorporated association were a body corporate.
- (4) In proceedings for an offence brought against a partnership or an unincorporated association, the following provisions apply as they apply in relation to a body corporate—
 - (a) section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43);
 - (b) sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995 (c. 46);
 - (c) 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 a partnership on its conviction for an offence is to be paid out of the partnership assets.
- (6) A fine imposed on an unincorporated association on its conviction for an offence is to be paid out of the funds of the association.
- (7) Subsections (1) and (2) are not to be read as prejudicing any liability of a partner, officer or member under section 76(4) or (6).

Commencement Information

- I3** S. 77 in force at 1.2.2007 for specified purposes for W. by [S.I. 2007/204, art. 3\(c\)](#)
- I4** S. 77 in force at 2.4.2007 for specified purposes for W. by [S.I. 2007/204, art. 2\(c\)](#)

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78 Penalties for offences: transitional modification for England and Wales

- (1) This section contains transitional modifications in respect of penalties for certain offences committed in England and Wales.
- (2) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44) (general limit on magistrates' courts power to impose imprisonment), the references in [^{F1}section 21(2)(b)] of this Act to periods of imprisonment of 12 months are to be read as references to periods of imprisonment of 6 months.

^{F2}(3)

Textual Amendments

- F1** Words in s. 78(2) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 289](#) (with Sch. 3 Pt. 1)
- F2** S. 78(3) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Commencement Information

- I5** S. 78 in force at 1.2.2007 for specified purposes for W. by [S.I. 2007/204](#), [art. 3\(c\)](#)
- I6** S. 78 in force at 2.4.2007 for specified purposes for W. by [S.I. 2007/204](#), [art. 2\(c\)](#)

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