

Status: Point in time view as at 26/07/2010.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Paragraph 20. (See end of Document for details)

SCHEDULES

SCHEDULE 11

PUBLIC HEALTH PROTECTION: FURTHER AMENDMENTS

Public Health (Control of Disease) Act 1984

20 After section 63 of the 1984 Act insert—

“63A Offences by bodies corporate

- (1) If an offence created by or under this Act is committed by a body corporate and is proved—
 - (a) to have been committed with the consent or connivance of an officer, or
 - (b) to be attributable to any neglect on the part of an officer,the officer (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) “Officer”, in relation to a 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 to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

63B Unincorporated associations

- (1) Proceedings for an offence alleged to have been committed by an unincorporated association are to be brought in the name of the association (and not in that of any of the members).
- (2) Rules of court relating to the service of documents have effect as if the unincorporated association were a body corporate.
- (3) In proceedings for an offence brought against an unincorporated association, Schedule 3 to the Magistrates' Courts Act 1980 applies as it applies to a body corporate.
- (4) A fine imposed on an unincorporated association on its conviction for an offence is to be paid out of the funds of the association.
- (5) If an offence committed by an unincorporated association is proved—
 - (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or

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(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.

(6) In this section, “offence” means an offence created by or under this Act.”

Commencement Information

I1 Sch. 11 para. 20 in force at 6.4.2010 for E. by S.I. 2010/708, art. 6(e) (with Sch. 2)

I2 Sch. 11 para. 20 in force at 26.7.2010 for W. by S.I. 2010/1547, art. 2(e) (with Sch. 1)

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