
STATUTORY INSTRUMENTS

2015 No. 821

The Nagoya Protocol (Compliance) Regulations 2015

PART 5

Offences and penalties

Offences by bodies corporate, partnerships and unincorporated associations

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

(2) For the purposes of such proceedings—

(a) rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate; and

(b) the following provisions apply as they apply in relation to a body corporate—

(i) section 33 of the Criminal Justice Act 1925(1) (procedure on charge of offence against corporation) and Schedule 3 to the Magistrates' Courts Act 1980(2) (corporations); and

(ii) section 18 of the Criminal Justice Act (Northern Ireland) 1945(3) (procedure on charge) and Schedule 4 to the Magistrates Courts' (Northern Ireland) Order 1981(4) (corporations).

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

(4) If an offence under these Regulations 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 the negligence of an officer,

that officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) If an offence under these Regulations 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 the negligence of a partner,

(1) 1925 c. 86; subsections (1), (2) and (5) of section 33 were repealed by the Magistrates' Courts Act 1952 (c. 55), Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), Schedule 8, Part 2; subsection (4) was amended by the Courts Act 2003 (c. 39), Schedule 8, paragraph 71, and Schedule 10.

(2) 1980 c. 43; paragraph 2(a) of Schedule 3 was repealed by the Criminal Justice Act 2003 (c. 44), Schedule 3, Part 2, paragraph 51(13)(a), and Schedule 37, Part 4; paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), section 25(2) and Schedule 13; paragraph 6 was amended by the Criminal Justice Act 2003, Schedule 3, Part 2, paragraph 51(13)(b).

(3) 1945 c. 15 (N.I.); section 18 was amended by the Magistrates' Courts Act (Northern Ireland) 1964 (c. 21) and by the Justice (Northern Ireland) Act 2002 (c. 26), Schedule 12.

(4) S.I. 1981/1675 (N.I. 26).

that partner, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

(6) If an offence under these Regulations committed by an unincorporated association is proved—

(a) to have been committed with the consent or connivance of an officer of the association or member of its governing body, or

(b) to be attributable to the negligence of that officer or member,

that officer or member, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) In paragraphs (4), (5) and (6), any reference to an officer, partner or member, as the case may be, includes any person purporting to act in such a capacity.