



# Credit Unions Act 1979

## 1979 CHAPTER 34

### *General and miscellaneous*

#### **28 Provisions as to offences.**

[<sup>F1</sup>(1) In Part 10 of the 2014 Act (offences) as it applies to credit unions, references to that Act include this Act.]

[<sup>F2</sup>(2) .....

(3) Without prejudice to the operation of subsection (1) above in relation to offences under [<sup>F3</sup> the 2014 Act ] committed by or in relation to a credit union, [<sup>F4</sup> section 132(4) of that Act ] (extension of time limit for summary prosecutions in certain cases) shall not apply to proceedings for an offence under this Act.

(4) Where under [<sup>F5</sup> section 128 of the 2014 Act ] (offences by registered societies to be also offences by officers, etc.) as it applies by virtue of subsection (1) above an individual is convicted on indictment of an offence under this Act, he shall be liable not only to a fine but, in the alternative or in addition, to imprisonment for a term not exceeding two years.

(5) Where an offence under this Act which has been committed by a body corporate other than a registered society is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) In any proceedings for an offence under this Act it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

#### **Textual Amendments**

**F1** S. 28(1) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 15\(2\)](#) (with [Sch. 5](#))

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**Changes to legislation:** There are currently no known outstanding effects for the Credit Unions Act 1979, Section 28. (See end of Document for details)

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- F2** S. 28(2) repealed (2.7.2002) by 2000 c. 8, ss. 338(4), 432(3), Sch. 18 Pt. V para. 25, **Sch. 22**; S.I. 2001/3538, **art. 2(5)**
- F3** Words in s. 28(3) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 15(3)(a)** (with Sch. 5)
- F4** Words in s. 28(3) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 15(3)(b)** (with Sch. 5)
- F5** Words in s. 28(4) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 15(4)** (with Sch. 5)

**Changes to legislation:**

There are currently no known outstanding effects for the Credit Unions Act 1979, Section 28.