



Surrogacy Arrangements Act 1985

1985 CHAPTER 49

4 Offences.

- (1) A person guilty of an offence under this Act shall be liable on summary conviction—
- in the case of an offence under section 2 to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or both,
 - in the case of an offence under section 3 to a fine not exceeding level 5 on the standard scale.

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- (2) No proceedings for an offence under this Act shall be instituted—
- in England and Wales, except by or with the consent of the Director of Public Prosecutions; and
 - in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (3) Where an offence under this Act committed by a body corporate 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 other 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 is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (4) Where the affairs of a body corporate are managed by its members, subsection (3) above shall apply 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.
- (5) In any proceedings for an offence under section 2 of this Act, proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the management or control of a body of persons or of any of the body, or by a person doing any of the acts mentioned in subsection (1)(a) to (c) of that section on behalf of the body, shall be admissible as evidence of the activities of the body.

Changes to legislation: Surrogacy Arrangements Act 1985, Section 4 is up to date with all changes known to be in force on or before 11 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) In relation to an offence under this Act, section 127(1) of the Magistrates' Courts Act 1980 (information must be laid within six months of commission of offence), [^{F2}section 136(1) of the Criminal Procedure (Scotland) Act 1995](proceedings must be commenced within that time) and Article 19(1) of the ^{M1}Magistrates' Courts (Northern Ireland) Order 1981 (complaint must be made within that time) shall have effect as if for the reference to six months there were substituted a reference to two years.

Textual Amendments

- F1** Words in s. 4(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**
F2 Words in s. 4(6) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 57**
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Marginal Citations

- M1** S.I. 1981/1675 (N.I. 26).

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Changes and effects yet to be applied to :

- s. 4(1)(a) repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- s. 4(1)(b) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)