



Legal Services Act 2007

2007 CHAPTER 29

PART 9

GENERAL

Offences

197 Offences committed by bodies corporate and unincorporated bodies

- (1) Where an offence 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 an officer of the body corporate, that officer (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) Where 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 the member's functions of management as it applies to an officer of the body corporate.
- (3) Proceedings for an offence alleged to have been committed by an unincorporated body are to be brought in the name of that body (and not in that of any of its members) and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a corporation.
- (4) A fine imposed on an unincorporated body on its conviction of an offence is to be paid out of the funds of that body.
- (5) If an unincorporated body is charged with an offence, section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) (procedure on charge of an offence against a corporation) have effect in like manner as in the case of a corporation so charged.
- (6) Where an offence committed by an unincorporated body (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any officer of the body or any member of its governing

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

- (7) Where an offence committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (8) In this section—
- “offence” means an offence under this Act;
 - “officer”, in relation to a body corporate, means—
 - (a) any director, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity.

198 Local weights and measures authorities

- (1) A local weights and measures authority may institute proceedings for an offence under section 14 if the activity which it is alleged that the accused was not entitled to carry on constitutes reserved instrument activities.
- (2) A local weights and measures authority may institute proceedings for an offence under section 16 if the activity which it is alleged that E was not entitled to carry on constitutes reserved instrument activities.
- “E” has the same meaning as in that section.
- (3) In this section—
- “relevant offence” means an offence in relation to which proceedings may be instituted by virtue of subsection (1) or (2);
 - “weights and measures officer” means an officer of a local weights and measures authority who is authorised by the authority to exercise the powers conferred by subsection (4).
- (4) A weights and measures officer who has reasonable cause to suspect that a relevant offence may have been committed may, at any reasonable time—
- (a) enter any premises which are not used solely as a dwelling;
 - (b) require any officer, agent or other competent person on the premises who is, or may be, in possession of information relevant to an investigation of the suspected offence to provide such information;
 - (c) require the production of any document which may be relevant to such an investigation;
 - (d) take copies, or extracts, of any such documents;
 - (e) seize and retain any document which the weights and measures officer has reason to believe may be required as evidence in proceedings for a relevant offence.
- (5) Any person exercising a power given by subsection (4) must, if asked to do so, produce evidence that that person is a weights and measures officer.
- (6) A justice of the peace may issue a warrant under this section if satisfied, on information on oath given by a weights and measures officer, that there is reasonable cause to believe that a relevant offence may have been committed and that—

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- (a) entry to the premises concerned, or production of any documents which may be relevant to an investigation of the relevant offence, has been or is likely to be refused to a weights and measures officer, or
 - (b) there is reasonable cause to believe that, if production of any such document were to be required by the weights and measures officer without a warrant having been issued under this section, the document would not be produced but would be removed from the premises or hidden, tampered with or destroyed.
- (7) A warrant issued under this section must authorise the weights and measures officer accompanied, where that officer considers it appropriate, by a constable or other person—
- (a) to enter the premises specified in the information, using such force as is reasonably necessary, and
 - (b) to exercise any of the powers given to the weights and measures officer by subsection (4).
- (8) It is an offence for a person (“P”)—
- (a) intentionally to obstruct a weights and measures officer in the exercise of any power under this section;
 - (b) intentionally to fail to comply with any requirement properly imposed on P by a weights and measures officer in the exercise of any such power;
 - (c) to fail, without reasonable excuse, to give a weights and measures officer any assistance or information which the weights and measures officer may reasonably require of P for the purpose of exercising any such power; or
 - (d) in giving to a weights and measures officer any information which P has been required to give a weights and measures officer exercising any such power, to make any statement which P knows to be false or misleading in a material particular.
- (9) A person who is guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) Nothing in this section is to be taken to require any person to answer any question put to that person by a weights and measures officer, or to give any information to such an officer, if to do so might incriminate that person.

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