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STATUTORY INSTRUMENTS

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**2008 No. 569**

**The Partnerships (Accounts) Regulations 2008**

**PART 4**

**OFFENCES**

**Penalties for non-compliance by members of qualifying partnership**

**15.**—(1) If, in respect of a financial year of a qualifying partnership, the requirements of paragraph (1) of regulation 4 are not complied with within the period referred to in paragraph (3) of that regulation, every person who was a member of the partnership or a director of such a member at the end of that year is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) If the accounts of a qualifying partnership—

- (a) a copy of which is delivered to the registrar under regulation 5, or
- (b) which are made available for inspection under regulation 6,

do not comply with the requirements of regulation 4(1), every person who, at the time when the copy was so delivered or (as the case may be) the accounts were first made available for inspection, was a member of the partnership or a director of such a member is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) If a member of a qualifying partnership fails to comply with regulation 5, 6, 7(3) or 13, that member and any director of that member is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) In proceedings for an offence under this section it is a defence for the person charged to show that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

(5) The following provisions of the Companies Act 2006, namely—

- (a) sections 1127 and 1128 (summary proceedings: venue and time limit for proceedings), and
- (b) section 1130 (proceedings against unincorporated bodies),

apply to an offence under this regulation.

**Penalties for non-compliance by auditors of qualifying partnerships**

**16.**—(1) If a person ceasing to hold office as auditor fails to comply with regulation 12, an offence is committed by—

- (a) that person, and
- (b) if that person is a firm, every officer of the firm who is in default.

(2) In proceedings for an offence under this section it is a defence for the person charged to show that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

- (3) A person guilty of an offence under this regulation is liable—
  - (a) on conviction on indictment, to a fine, and
  - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (4) The following provisions of the Companies Act 2006, namely—
  - (a) sections 1121 to 1123 (liability of officer in default),
  - (b) sections 1127 and 1128 (summary proceedings: venue and time limit for proceedings), and
  - (c) section 1130 (proceedings against unincorporated bodies),apply to an offence under this regulation.