
STATUTORY INSTRUMENTS

2017 No. 752

The Payment Services Regulations 2017

PART 11

General

Criminal Offences

Proceedings against unincorporated bodies

146.—(1) Proceedings for an offence alleged to have been committed by a partnership or an unincorporated association must be brought in the name of the partnership or association (and not in that of its members).

(2) A fine imposed on the partnership or association on its conviction of an offence is to be paid out of the funds of the partnership or association.

(3) Rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate.

(4) In proceedings for an offence brought against the partnership or association—

- (a) section 33 of the Criminal Justice Act 1925 (procedure on charge of offence against corporation) ^{M1} and section 46 of and Schedule 3 to the Magistrates' Courts Act 1980 (corporations) ^{M2} apply as they do in relation to a body corporate;
- (b) section 70 of the Criminal Procedure (Scotland) Act 1995 (proceedings against organisations) ^{M3} applies as it does in relation to a body corporate;
- (c) section 18 of the Criminal Justice (Northern Ireland) Act 1945 (procedure on charge) ^{M4} and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (corporations) ^{M5} apply as they do in relation to a body corporate.

(5) Summary proceedings for an offence under these Regulations may be taken—

- (a) against a body corporate or unincorporated association at any place at which it has a place of business;
- (b) against an individual at any place where they are for the time being.

(6) Paragraph (5) does not affect any jurisdiction exercisable apart from this regulation.

Marginal Citations

M1 1925 c. 86. Section 33 was amended by Schedule 6 to the [Magistrates' Court Act 1952 \(c. 55\)](#), paragraph 19 of Schedule 8 to the [Courts Act 1971 \(c. 23\)](#) and paragraph 71 of Schedule 8 to the [Courts Act 2003 \(c. 39\)](#).

M2 1980 c. 43. Schedule 3 was amended by sections 25 and 101 of, and Schedule 13 to, the [Criminal Justice Act 1991 \(c. 53\)](#), and by paragraph 51 of Schedule 3 and Part 4 of Schedule 37 to the [Criminal Justice Act 2003 \(c. 44\)](#).

Changes to legislation: *The Payment Services Regulations 2017, Section 146 is up to date with all changes known to be in force on or before 19 February 2024. 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*

- M3** 1995 c.46. Section 70 was amended by section 10(6) of the [Criminal Procedure \(Scotland\) Act 2004 \(asp 5\)](#), section 28 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), section 66 of the [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), section 6(4) of the [Partnerships \(Prosecution\) \(Scotland\) Act 2013 \(c. 21\)](#) and section 83(a) of the [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#), and by [S.I. 2001/1149](#).
- M4** 1945 c. 15 (N.I. 1). Section 18 was amended by the [Magistrates Court Act \(Northern Ireland\) 1964 \(c. 21 \(N.I.\)\)](#), paragraph 1 of Schedule 12 to the [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#) and by [S.I. 1972/538 \(N.I. 1\)](#).
- M5** [S.I. 1981/1675 \(N.I. 26\)](#).

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Changes and effects yet to be applied to :

- [Regulations power to amend conferred by 2021 c. 22 s. 23](#)