
STATUTORY INSTRUMENTS

2019 No. 527

**The Invasive Alien Species (Enforcement
and Permitting) Order 2019**

PART 2

Offences

Offences by partnerships and unincorporated associations

11.—(1) Proceedings for an offence under this Part alleged to have been committed by a partnership (other than a Scottish partnership) or an unincorporated association must be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate; and
- (b) the following provisions apply as they apply in relation to a body corporate—
 - (i) section 33 of the Criminal Justice Act 1925 (procedure on charge of offence against corporation)^{M1} and Schedule 3 to the Magistrates' Courts Act 1980 (corporations)^{M2};
 - (ii) sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995 (proceedings against organisations and prosecution of companies, etc.)^{M3};
 - (iii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (procedure on charge)^{M4} and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981^{M5}.

(3) A fine imposed on a partnership or unincorporated association on its conviction of an offence under this Part is to be paid out of the funds of the partnership or association.

(4) If an offence under this Part committed by a partnership is proved—

- (a) to have been committed with the consent or connivance of a partner, or
- (b) to be attributable to any neglect on the part of a partner,

the partner, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In paragraph (4), “partner” includes a person purporting to act as a partner.

(6) If an offence under this Part committed by an unincorporated association (other than a partnership) is proved—

- (a) to have been committed with the consent or connivance of an officer of the association, or
- (b) to be attributable to any neglect on the part of such an officer,

the officer, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) In paragraph (6), “officer”, in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body; or
- (b) a person purporting to act in such a capacity.

Commencement Information

- I1** Art. 11 in force at 1.12.2019, see [art. 1\(1\)](#)
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Marginal Citations

- M1** 1925 c. 86. Section 33 was amended by section 132 of, and Schedule 6 to, the [Magistrates Courts Act 1952 \(c. 55\)](#); paragraph 19 of Schedule 8 to the [Courts Act 1971 \(c. 23\)](#); and paragraph 71 of Schedule 8, and Schedule 10, to the [Courts Act 2003 \(c. 39\)](#) (subject to savings specified in [S.I. 2004/2066](#)).
- M2** 1980 c. 43. Schedule 3 was amended by Schedule 13 to the [Criminal Justice Act 1991 \(c. 53\)](#); and paragraph 51 of Schedule 3, and paragraph 1 of Part 4 of Schedule 37 to the [Criminal Justice Act 2003 \(c. 44\)](#).
- M3** 1995 (c. 46). Section 70 was amended by section 10(6) of the [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#) (subject to savings); 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 \(c. 21\)](#); section 83(a) of Part 3 of the [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#); and [S.I. 2001/1149](#). Section 143 was amended by section 17 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#); section 67 of the [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#); and [SSI 2001/128](#).
- M4** 1945 c. 15 (N.I.). Section 18(1), (2) and (6) was repealed by Schedule 7 to the [Magistrates' Court Act \(Northern Ireland\) 1964 \(c. 21 \(N.I.\)\)](#). Section 18(3) was amended by [S.I. 1972/538 \(N.I. 1\)](#), and its effect was continued by paragraph 1 of Schedule 12 to the [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#).
- M5** [S.I. 1981/1675 \(N.I. 26\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order 2019, Section 11.