



# Children and Families (Wales) Measure 2010

## 2010 nawm 1

### PART 2

#### CHILD MINDING AND DAY CARE FOR CHILDREN

##### *Offences, criminal proceedings and fixed penalties*

#### **51 Unincorporated associations**

- (1) Proceedings for an offence under this Part which is alleged to have been committed by an unincorporated association must be brought in the name of the association (and not in the name of any of its members).
- (2) For the purpose of any such proceedings, rules of court relating to the service of documents are to have effect as if the association were a body corporate.
- (3) In proceedings for an offence under this Part brought against an unincorporated association, section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) apply as they do in relation to a body corporate.
- (4) A fine imposed on an unincorporated association on its conviction of an offence under this Part is to be paid out of the funds of the association.
- (5) If an offence under this Part by an unincorporated association is shown—
  - (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or
  - (b) to be attributable to any neglect on the part of such an officer or member,the officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

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**Changes to legislation:** There are currently no known outstanding effects for the Children and Families (Wales) Measure 2010, Section 51. (See end of Document for details)

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**Commencement Information**

**II** S. 51 in force at 1.4.2011 by S.I. 2010/2582, art. 2, **Sch. 1** (with Schs. 2, 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Families (Wales) Measure 2010, Section 51.