

SCHEDULES

SCHEDULE 16

THE LAW SOCIETY, SOLICITORS, RECOGNISED BODIES AND FOREIGN LAWYERS

PART 2

THE ADMINISTRATION OF JUSTICE ACT 1985 (c. 61)

- 83 (1) Section 10 (penalty for pretending to be a body recognised under section 9) is amended as follows.
- (2) In subsection (1) omit “corporate” (in both places).
- (3) In subsection (2) omit “corporate”.
- (4) For subsection (3) substitute—
- “(3) Where an offence under this section 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.
- (4) Where the affairs of a body corporate are managed by its members, subsection (3) 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.
- (5) Proceedings for an offence under this section 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.
- (6) A fine imposed on an unincorporated body on its conviction of an offence under this section is to be paid out of the funds of that body.
- (7) If an unincorporated body is charged with an offence under this section, 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.
- (8) Where an offence under this section 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 body, that officer or member

Changes to legislation: There are currently no known outstanding effects for the Legal Services Act 2007, Paragraph 83. (See end of Document for details)

as well as the unincorporated body is guilty of the offence and liable to be proceeded against and punished accordingly.

- (9) Where an offence under this section 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.
- (10) In this section “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.”

Commencement Information

- I1** Sch. 16 para. 83 in force at 31.3.2009 by [S.I. 2009/503](#), [art. 2\(b\)\(ii\)](#)
I2 Sch. 16 para. 83(3) in force at 1.10.2011 by [S.I. 2011/2196](#), [art. 2\(1\)\(f\)](#)

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