



# Care Act 2014

## 2014 CHAPTER 23

### PART 2

#### CARE STANDARDS

##### *False or misleading information*

#### **94 Offences by bodies**

- (1) Subsection (2) applies where an offence under section 92(1) is committed by a body corporate and it is proved that the offence is committed by, or with the consent or connivance of, or is attributable to neglect on the part of—
  - (a) a director, manager or secretary of the body, or
  - (b) a person purporting to act in such a capacity.
- (2) The director, manager, secretary or person purporting to act as such (as well as the body) is guilty of the offence and liable to be proceeded against and punished accordingly (but section 93(2) does not apply).
- (3) The reference in subsection (2) to a director, manager or secretary of a body corporate includes a reference—
  - (a) to any other similar officer of the body, and
  - (b) where the body is a local authority, to a member of the authority.
- (4) Proceedings for an offence under section 92(1) alleged to have been committed by an unincorporated association are to be brought in the name of the association (and not in that of any of the members); and rules of court relating to the service of documents have effect as if the unincorporated association were a body corporate.
- (5) In proceedings for an offence under section 92(1) brought against an unincorporated association, section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980 apply as they apply in relation to a body corporate.
- (6) A fine imposed on an unincorporated association on its conviction for an offence under section 92(1) is to be paid out of the funds of the association.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Subsection (8) applies if an offence under section 92(1) is proved—
- (a) to have been committed by, or with the consent or connivance of, an officer of the association or a member of its governing body, or
  - (b) to be attributable to neglect on the part of such an officer or member.
- (8) The officer or member (as well as the association) is guilty of the offence and liable to be proceeded against accordingly (but section 93(2) does not apply).