

*These notes relate to the Glasgow Commonwealth Games Act 2008 (asp 4) which received Royal Assent on 10 June 2008*

# **GLASGOW COMMONWEALTH GAMES ACT 2008**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Trial and Punishment***

#### ***Section 36: Offences by bodies corporate etc.***

78. By virtue of subsection (1), where an offence is committed under the Act by a body corporate, Scottish partnership or other unincorporated association, which is proved to have been committed with the consent or the connivance of a “relevant individual” or an individual acting as such, or because of any neglect by the “relevant individual”, the individual, as well as the body corporate, partnership or other unincorporated association, will be guilty of the offence and liable to punishment.
79. Subsection (2) defines a “relevant individual” in relation to a body corporate as a director, manager, secretary or other similar officer of the body, or a member (where the affairs of the body are managed by its members). In relation to a council, the “relevant individual” is an officer or member of the council. In relation to a Scottish partnership it is a partner and in relation to any other unincorporated association it is a person who is concerned with the management or control of that association.
80. Subsection (3) provides that any penalty imposed upon a body corporate, Scottish partnership or unincorporated association is to be recovered by civil diligence under section 221 of the Criminal Procedure (Scotland) Act 1995.