



# Glasgow Commonwealth Games Act 2008

## 2008 asp 4

### *Trial and punishment*

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

- (1) Where—
- (a) an offence under this Act has been committed by—
    - (i) a body corporate,
    - (ii) a Scottish partnership, or
    - (iii) an unincorporated association other than a Scottish partnership, and
  - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
    - (i) a relevant individual, or
    - (ii) an individual purporting to act in the capacity of a relevant individual, that individual as well as the body, partnership or association is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) In subsection (1), “relevant individual” means—
- (a) in relation to a body corporate other than a council—
    - (i) a director, manager, secretary or other similar officer of the body,
    - (ii) where the affairs of the body are managed by its members, the members,
  - (b) in relation to a council, an officer or member of the council,
  - (c) in relation to a Scottish partnership, a partner, and
  - (d) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.
- (3) Any penalty imposed on a body corporate, Scottish partnership or unincorporated association on conviction of an offence under this Act is to be recovered by civil diligence in accordance with section 221 of the Criminal Procedure (Scotland) Act 1995 (c. 46).

#### **Commencement Information**

**II** S. 36 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Glasgow Commonwealth Games Act 2008, Section 36.