



Regulatory Reform (Scotland) Act 2014

2014 asp 3

PART 3

ENVIRONMENTAL REGULATION

CHAPTER 3

COURT POWERS

Publicity orders

36 Power to order conviction etc. for offence to be publicised

- (1) This section applies where a person is convicted by a court of a relevant offence.
- (2) The court may, instead of or in addition to dealing with the person in any other way, make an order (a “publicity order”) requiring the person to publicise in a specified manner—
 - (a) the fact that the person has been convicted of the relevant offence,
 - (b) specified particulars of the offence,
 - (c) specified particulars of any other sentence passed by the court in respect of the offence.
- (3) A publicity order is to be taken to be a sentence for the purposes of any appeal.
- (4) The court may make a publicity order—
 - (a) at its own instance, or
 - (b) on the motion of the prosecutor.
- (5) In deciding on the terms of a publicity order that it proposes to make, the court must have regard to any representations made by the prosecutor or by or on behalf of the person.
- (6) A publicity order—

Status: This is the original version (as it was originally enacted).

- (a) must specify a period within which the requirement to publicise the matters mentioned in paragraphs (a) to (c) of subsection (2) are to be complied with, and
 - (b) may require the convicted person to supply SEPA, within a specified period, with evidence that that requirement has been complied with.
- (7) In subsections (2) and (6), “specified”, in relation to a publicity order, means specified in the order.
- (8) A person who fails to comply with a publicity order commits an offence.
- (9) A person who commits an offence under subsection (8) is liable—
- (a) on summary conviction, to a fine not exceeding £40,000,
 - (b) on conviction on indictment, to a fine.

37 Corporate offending

- (1) Subsection (2) applies where—
- (a) an offence under section 36(8) is committed by a relevant organisation, and
 - (b) the commission of the offence involves the connivance or consent, or is attributable to the neglect, of a responsible official of the relevant organisation.
- (2) The responsible official (as well as the relevant organisation) commits the offence.
- (3) In this section—
- “a relevant organisation” means—
- (a) a company,
 - (b) a limited liability partnership,
 - (c) a partnership (other than a limited liability partnership), or
 - (d) another body or association,
- “a responsible official” means—
- (a) in the case of a company, a director, secretary, manager or similar officer of the company,
 - (b) in the case of a limited liability partnership, a member of the partnership,
 - (c) in the case of a partnership (other than a limited liability partnership), a partner of the partnership, or
 - (d) in the case of another body or association, a person who is concerned in the management or control of its affairs,
- and in each case includes a person purporting to act in a capacity mentioned in any of paragraphs (a) to (d) of this definition.