



Transport (Scotland) Act 2019

2019 asp 17

PART 10

MISCELLANEOUS AND GENERAL

General

125 Individual culpability where offending by an organisation

- (1) This section applies where—
- (a) an offence in this Act or any regulations made under it is committed by a relevant organisation, and
 - (b) the commission of the offence—
 - (i) involves consent or connivance on the part of a responsible individual, or
 - (ii) is attributable to neglect on the part of a responsible individual.
- (2) The responsible individual (as well as the relevant organisation) commits the offence.
- (3) For the purposes of this section—
- (a) “relevant organisation” means an organisation listed in the first column of the table in paragraph (c),
 - (b) “responsible individual” means, in relation to a relevant organisation—
 - (i) an individual falling within the corresponding entry in the second column of the table in paragraph (c), or
 - (ii) an individual purporting to act in the capacity of an individual falling within the corresponding entry,
 - (c) the table is as follows—

| Relevant organisation | Individual |
|---|---|
| Company as mentioned in section 1 of the Companies Act 2006 | Director, manager, secretary or other similar officer Member, where the company's affairs are managed by its members |

Changes to legislation: There are currently no known outstanding effects for the
Transport (Scotland) Act 2019, Section 125. (See end of Document for details)

| | |
|-------------------------------|---|
| Limited liability partnership | Member |
| Other partnership | Partner |
| Any other body or association | Individual who is concerned in the management or control of its affairs. |

Commencement Information

II [S. 125](#) in force at 22.9.2023 by [S.S.I. 2023/250](#), [sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Transport (Scotland) Act 2019, Section 125.