



# Water Resources (Scotland) Act 2013

## 2013 asp 5

### PART 7

#### WATER SHORTAGE ORDERS

#### *Appeal and offence*

#### **45 Corporate offending**

- (1) Subsection (2) applies where—
- (a) an offence under section 44(1) is committed by a relevant organisation, and
  - (b) the commission of the offence involves the connivance or consent of, or is attributable to the neglect of, a responsible official of the organisation.
- (2) The responsible official (as well as the organisation) commits the offence.
- (3) “Relevant organisation” means—
- (a) company,
  - (b) limited liability partnership,
  - (c) ordinary partnership,
  - (d) other body or association.
- (4) “Responsible official” means—
- (a) in the case of a company, director, secretary, manager or similar officer,
  - (b) in the case of a limited liability partnership, member,
  - (c) in the case of an ordinary partnership, partner,
  - (d) in the case of another body or association, person who is concerned in the management or control of its affairs,
- but in each case also includes person purporting to act in such a capacity.

#### **Commencement Information**

**II** S. 45 in force at 10.6.2013 by [S.S.I. 2013/163](#), art. 3, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources (Scotland) Act 2013, Section 45.