
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 137

The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017

Insertion of sections 22A and 22B

6. After section 22 (offences in relation to construction of new roads) insert—

“**22A.**—(1) Any person who, for the purpose of procuring a particular decision in relation to a project to which section 20C applies—

- (a) knowingly or recklessly makes a statement which is false or misleading in a material particular,
- (b) with intent to deceive, uses any document which is false or misleading in a material particular, or
- (c) with intent to deceive, withholds any material information,

commits an offence.

(2) A person who commits an offence under subsection (1) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to a fine.

(3) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this section.

(4) The Court of Session may, on the application of the Scottish Ministers, the chief constable or any other public body or office-holder having responsibility for enforcing the provision declare unlawful any act or omission of the Crown which would but for subsection (3) have constituted an offence under this section.

(5) Despite subsection (3), this section applies to a person in the public service of the Crown as it applies to other persons.

22B. Offences by bodies corporate etc.

(1) Subsection (2) applies where—

- (a) an offence under section 22A 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 neglect on the part of—
 - (i) a relevant individual, or
 - (ii) an individual purporting to act in the capacity of a relevant individual.

(2) The individual (as well as the body corporate, partnership or (as the case may be) association) commits the offence and is liable to be proceeded against and punished accordingly.

(3) In subsection (1), “relevant individual” means—

- (a) in relation to a body corporate (other than a limited liability partnership)—
 - (i) a director, manager, secretary or similar officer of the body,
 - (ii) where the affairs of the body are managed by its members, a member,
- (b) in relation to a limited liability partnership, a member;
- (c) in relation to a Scottish partnership, a partner;
- (d) in relation to an unincorporated association other than a Scottish partnership, an individual who is concerned in the management or control of the association.”.