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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 132**

**The Plant Health (Export Certification) (Scotland) Order 2018**

**Offences by bodies corporate etc.**

**6.—(1) Where—**

- (a) an offence under article 5(1) has been committed by a body corporate or a Scottish partnership or other unincorporated association; 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,

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

**(2) In paragraph (1), “relevant individual” means—**

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