



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART IX

SUMMARY PROCEEDINGS

Companies

143 Prosecution of companies, etc.

- (1) Without prejudice to any other or wider powers conferred by statute, this section shall apply in relation to the prosecution by summary procedure of a partnership, association, body corporate or body of trustees.
- (2) Proceedings may be taken against the partnership, association, body corporate or body of trustees in their corporate capacity, and in that event any penalty imposed shall be recovered by civil diligence in accordance with section 221 of this Act.
- (3) Proceedings may be taken against an individual representative of a partnership, association or body corporate as follows:—
 - (a) in the case of a partnership or firm, any one of the partners, or the manager or the person in charge or locally in charge of its affairs;
 - (b) in the case of an association or body corporate, the managing director or the secretary or other person in charge, or locally in charge, of its affairs,may be dealt with as if he was the person offending, and the offence shall be deemed to be the offence of the partnership, association or body corporate [^{F1}; and in paragraph 3(b) of this subsection references to the managing director or the secretary, in relation to a limited liability partnership, are to any member of the limited liability partnership].

Textual Amendments

F1 Words in s. 143(3) inserted (6.4.2001) by [S.S.I. 2001/128](#), reg. 5, [Sch. 4 para. 3](#)

Status: Point in time view as at 27/06/2003.

Changes to legislation: *Criminal Procedure (Scotland) Act 1995, Cross Heading: Companies is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

- C1** S. 143 applied (31.5.2002) by Anti-terrorism, Crime and Security Act 2001 (c. 24), s. 69(4)(b); S.I. 2002/1279, **art. 2**
S. 143 applied (1.4.2005) by Gangmasters (Licensing) Act 2004 (c. 11), **ss. 21, 29**; S.I. 2005/447, **arts. 1, 2**
S. 143 applied (1.4.2005) by Gangmasters (Licensing) Act 2004 (c. 11), **ss. 22, 29**; S.I. 2005/447, **arts. 1, 2**
S. 143 applied (20.1.2007, 6.4.2007, 1.10.2007 for certain purposes otherwise prosp.) by Companies Act 2006 (c. 46), **ss. 1130(2)(b)(ii)**, 1300 (with savings in s. 1133); S.I. 2006/3428, **art. 3(2)** (subject to art. 5, Sch. 1 and with arts. 6, 8, Sch. 5); S.I. 2007/1093, **art. 2(2)(c)** (with arts. 4, 11); S.I. 2007/2194, **art. 2(1)(1)(3)(h)** (with art. 12)
- C2** S. 143 applied (6.4.2008) by Serious Crime Act 2007 (c. 27), **ss. 31(6)(b)(ii)**, 94; S.I. 2008/755, **art. 15(1)** (subject to paras. (2)(3))
S. 143 applied (6.4.2008) by Serious Crime Act 2007 (c. 27), **ss. 32(5)(b)(ii)**, 94; S.I. 2008/755, **art. 15(1)** (subject to paras. (2)(3))

Status:

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