



Cluster Munitions (Prohibitions) Act 2010

2010 CHAPTER 11

Criminal proceedings

26 Offences by bodies corporate etc.

- (1) Where an offence under this Act is committed by a body corporate and the offence is proved—
 - (a) to have been committed with the consent or connivance of an officer of the body corporate, or
 - (b) to be attributable to any neglect on the part of an officer of the body corporate, the officer (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) Where an offence under this Act is committed by a Scottish partnership and the offence is proved—
 - (a) to have been committed with the consent or connivance of a partner of the partnership, or
 - (b) to be attributable to any neglect on the part of a partner of the partnership, the partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (3) In this section—
 - “officer”, in relation to a body corporate, means—
 - (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity;
 - “partner”, in relation to a Scottish partnership, includes any person who was purporting to act as a partner of the partnership.
- (4) In subsection (3) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Changes to legislation:

There are currently no known outstanding effects for the Cluster Munitions (Prohibitions) Act 2010, Section 26.