



Partnerships (Prosecution) (Scotland) Act 2013

2013 CHAPTER 21

General and miscellaneous

6 Consequential amendments

- (1) The Partnership Act 1890 is amended as follows.
- (2) In section 38 (continuing authority of partners for purposes of winding up etc.), after third “dissolution” insert “, and in relation to any prosecution of the partnership by virtue of section 1 of the Partnerships (Prosecution) (Scotland) Act 2013”.
- (3) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (4) In section 70 (solemn proceedings against organisations), in subsection (2), after paragraph (a) insert—
 - “(aa) in the case of a partnership prosecuted by virtue of section 1 of the Partnerships (Prosecution) (Scotland) Act 2013, the dwelling-house or place of business of any of the partners,”.
- (5) In section 141 (summary proceedings: manner of citation), in subsection (2)—
 - (a) in paragraph (b), after “body of trustees” insert “or a partnership prosecuted by virtue of section 1 of the Partnerships (Prosecution) (Scotland) Act 2013”,
 - (b) omit the word “or” immediately after that paragraph, and
 - (c) after paragraph (c) insert “or
 - (d) where the accused is a partnership prosecuted by virtue of section 1 of the Partnerships (Prosecution) (Scotland) Act 2013, if the citation is left with any one of the partners who is resident in Scotland;”.
- (6) The Secretary of State may by order made by statutory instrument make such further amendments of any enactment as appear to the Secretary of State to be necessary or expedient in consequence of this Act.

- (7) An order under subsection (6) may not be made unless a draft of the statutory instrument containing it has been laid before and approved by a resolution of each House of Parliament.
- (8) But an order under subsection (6) which does not contain provisions amending any enactment contained in an Act or an Act of the Scottish Parliament is subject to annulment in pursuance of a resolution of either House of Parliament.

7 Interpretation

In this Act—

- (a) references to an offence, in relation to its commission or alleged commission by a partnership, are references to an offence that the partnership is, by virtue of an enactment or rule of law, capable of committing separately from its partners,
- (b) “enactment” includes an enactment contained—
 - (i) in subordinate legislation (within the meaning of the Interpretation Act 1978), or
 - (ii) in, or in an instrument made under, an Act of the Scottish Parliament.

8 Short title, commencement and extent

- (1) This Act may be cited as the Partnerships (Prosecution) (Scotland) Act 2013.
- (2) This Act comes into force on the day after the day on which this Act is passed.
- (3) This Act applies where the partnership is dissolved or there is a change in the membership of the partnership on or after the day on which this Act comes into force.
- (4) This Act (other than section 3)—
 - (a) applies irrespective of when the offence mentioned in section 1(1)(b) or 4(1)(c) is alleged to have been committed,
 - (b) applies to any proceedings in relation to such an offence which are ongoing on the day this Act comes into force as it applies in relation to proceedings commenced after that day.
- (5) This Act extends only to Scotland.
- (6) But the amendment made by section 6(2), and any amendment made by an order under section 6(6), has the same extent as the enactment (or the relevant part of the enactment) to which it relates.