
STATUTORY INSTRUMENTS

2017 No. 1206

The Radio Equipment Regulations 2017

PART 5

Market surveillance and enforcement

Liability of persons other than principal offender

68.—(1) Where the commission of an offence by one person (“A”) under regulation 65 (offences) is due to anything which another person (“B”) did or failed to do in the course of business, B is guilty of the offence and may be proceeded against and punished, whether or not proceedings are taken against A.

(2) Where a body corporate commits an offence, a relevant person is also guilty of the offence where the body corporate’s offence was committed—

- (a) with the consent or connivance of the relevant person, or
- (b) as a result of the negligence of the relevant person.

(3) In paragraph (2), “relevant person” means—

- (a) a director, manager, secretary or other similar officer of the body corporate,
- (b) in relation to a body corporate managed by its members, a member of that body corporate performing managerial functions,
- (c) in relation to a Scottish partnership, a partner, or
- (d) a person purporting to act as a person described in sub-paragraphs (a), (b) or (c).