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STATUTORY INSTRUMENTS

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**2018 No. 390**

**The Personal Protective Equipment  
(Enforcement) Regulations 2018**

**PART 2**

**Market Surveillance and Enforcement**

**Liability of persons other than the principal offender**

**10.**—(1) Where the commission by a person (“P”) of an offence under these Regulations is due to anything which another person (“S”) did or failed to do in the course of business, S is guilty of that offence and may be proceeded against and punished, whether or not proceedings are taken against P.

(2) Where a body corporate commits an offence under these Regulations, a relevant person is also guilty of the offence where the offence was committed by the body corporate—

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

(3) In paragraph (2) a “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 performing managerial functions;
- (c) a partner in relation to a Scottish partnership; or
- (d) a person purporting to act as a person described in subparagraphs (a), (b) or (c).