



Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

PART 1

SMOKING: PROHIBITION AND CONTROL

8 Bodies corporate etc.

- (1) Where an offence under this Part which has been committed by a body corporate other than a council is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of—
 - (a) a director, manager or secretary, member or other similar officer of the body corporate; or
 - (b) any person who was purporting to act in any such capacity,that person, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) Where an offence under this Part which has been committed by a council is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) an officer or member of the council; or
 - (b) any person who was purporting to act in any such capacity,that person, as well as the council, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) Where an offence under this Part which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) a partner; or
 - (b) any person who was purporting to act in any such capacity,that person, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

Changes to legislation: There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 8. (See end of Document for details)

- (4) Where an offence under this Part which has been committed by an unincorporated association other than a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a person who is concerned in the management or control of the association; or
 - (b) any person who was purporting to act in any such capacity,
- that person, as well as the unincorporated association, is guilty of the offence and liable to be proceeded against and punished accordingly.

Modifications etc. (not altering text)

- C1** S. 8 applied (15.5.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 and The Prohibition Of Smoking In Certain Premises \(Scotland\) Regulations 2006 \(Consequential Provisions\) \(Scotland\) Order 2006 \(S.I. 2006/1115\)](#), arts. 1, 3 (with art. 4)

Commencement Information

- I1** S. 8 in force at 26.3.2006 at 0600 hours by [S.S.I. 2005/492](#), art. 3(d)

Changes to legislation:

There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 8.