

# **ADOPTION AND CHILDREN (SCOTLAND) ACT 2007**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 4**

#### **General**

#### ***Section 115 - Offences by bodies corporate and partnerships***

367. By virtue of subsection (1), where an offence is committed under the Act by a body corporate which is proved to have been committed with the consent or the connivance of a “relevant person”, or because of any neglect by the “relevant person”, the relevant person, as well as the body corporate, will be guilty of the offence and liable to punishment.
368. Where the affairs of a body corporate are managed by its members, a member is regarded as a relevant person in relation to subsection (1) as regards that person’s management functions in relation to the body (subsection 2).
369. Where any offence is committed by a partnership with the consent or connivance of a partner, or because of the neglect of a partner, the partner and the partnership are guilty of the offence and are liable to punishment (subsection 3).
370. By virtue of subsection (4), a “relevant person” in relation to a body corporate means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any of these capacities.