



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 2

PROCEEDINGS

Summary procedure

17 Prosecution of companies etc.

In section 143 (prosecution of companies, etc.) of the 1995 Act, after subsection (3) there is added—

“(4) A partnership, association, body corporate or body of trustees may, for the purpose of—

- (a) stating objections to the competency or relevancy of the complaint or proceedings;
- (b) tendering a plea of guilty or not guilty;
- (c) making a statement in mitigation of sentence,

appear by a representative.

(5) In subsection (4) above, “representative” means—

- (a) an individual representative as mentioned in subsection (3) above; or
- (b) an employee of the partnership, association, body corporate or body of trustees duly appointed by it for the purpose of the proceedings.

(6) For the purposes of subsection (5)(b) above, a statement—

- (a) in the case of a body corporate (other than a limited liability partnership), purporting to be signed by an officer of the body;
- (b) in the case of a limited liability partnership, purporting to be signed by a member of the partnership;
- (c) in the case of a partnership (other than a limited liability partnership), purporting to be signed by a partner of the partnership;

Changes to legislation: There are currently no known outstanding effects for the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, Section 17. (See end of Document for details)

- (d) in the case of an association, purporting to be signed by an officer of the association,
- to the effect that the person named in the statement has been appointed as the representative for the purposes of any proceedings to which this section applies is sufficient evidence of such appointment.
- (7) Where at a diet (apart from a diet fixed for the first calling of the case) a partnership, association, body corporate or body of trustees does not appear as mentioned in subsection (4) above, or by counsel or a solicitor, the court may—
- (a) on the motion of the prosecutor or, in relation to sentencing, of its own accord; and
 - (b) if satisfied as to the matters specified in subsection (8) below, proceed to hear and dispose of the case in the absence of the partnership, association, body corporate or (as the case may be) body of trustees.
- (8) The matters referred to in subsection (7)(b) above are—
- (a) that citation has been effected or other intimation of the diet has been received; and
 - (b) that it is in the interests of justice to proceed as mentioned in subsection (7) above.
- (9) The reference in subsection (7) above to proceeding to hear and dispose of the case includes, in relation to a trial diet, proceeding with the trial.”

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