



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 3

CRIMINAL PROCEDURE

Prosecution of organisations

66 Proceedings on indictment against organisations

- (1) The title of section 70 of the 1995 Act (proceedings against bodies corporate) is amended by substituting “organisations” for “bodies corporate”.
- (2) Section 70 of that Act is amended as follows.
- (3) In subsection (1), for “a body corporate” substitute “an organisation”.
- (4) For subsection (2) substitute—
 - “(2) The indictment may be served by delivery of a copy of the indictment together with notice to appear at—
 - (a) in the case of a body of trustees—
 - (i) the dwelling-house or place of business of any of the trustees,
or
 - (ii) if the solicitor of the body of trustees is known, the place of business of the solicitor,
 - (b) in the case of any other organisation, the registered office or, if there is no registered office or the registered office is not in the United Kingdom, at the principal place of business in the United Kingdom of the organisation.”.
- (5) In subsection (3)—
 - (a) for “the registered office or principal place of business of the body corporate” substitute “any place”, and
 - (b) for “the registered office or place of business” substitute “that place”.

Status: This is the original version (as it was originally enacted).

- (6) In subsection (4)—
 - (a) for “A body corporate” substitute “An organisation”, and
 - (b) the words “of the body corporate” are repealed.
- (7) In subsection (5), for “body corporate” in both places that expression occurs substitute “organisation”.
- (8) In subsection (5A)(a), for “body corporate” substitute “organisation”.
- (9) In subsection (6)—
 - (a) for “a body corporate” substitute “an organisation”, and
 - (b) for “the body corporate” substitute “the organisation”.
- (10) In subsection (7), for “a body corporate” substitute “an organisation”.
- (11) In subsection (8), for paragraph (c) substitute—
 - “(ba) in the case of a partnership (other than a limited liability partnership), a partner or other person in charge, or locally in charge, of the partnership’s affairs;
 - (bb) in the case of an unincorporated association, the secretary or other person in charge, or locally in charge, of the association’s affairs;
 - (c) in the case of any other organisation, an employee, officer or official of the organisation duly appointed by it for the purposes of the proceedings.”.
- (12) In subsection (9), after paragraph (b) insert—
 - “(c) in the case of a partnership (other than a limited liability partnership), purporting to be signed by a partner;
 - (d) in the case of an unincorporated association, purporting to be signed by an officer of the association;
 - (e) in the case of a government department or a part of the Scottish Administration, purporting to be signed by a senior officer in the department or part,”.