



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 9

#### GENERAL PROVISIONS

#### **163 Offences by bodies corporate**

(1) Where—

- (a) an offence under this Act has been committed by a body corporate or a Scottish partnership or other unincorporated association,
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
  - (i) a relevant individual, or
  - (ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the offender is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In subsection (1), “relevant individual” means—

- (a) in relation to a body corporate—
  - (i) a director, manager, secretary or other similar officer of the body,
  - (ii) where the affairs of the body are managed by its members, the members,
- (b) in relation to a Scottish partnership, a partner,
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

#### **Commencement Information**

**II** S. 163 in force at 1.7.2010 by [S.S.I. 2010/230](#), [art. 2\(g\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Section 163.