



# Regulatory Reform (Scotland) Act 2014

## 2014 asp 3

### PART 3

#### ENVIRONMENTAL REGULATION

#### CHAPTER 4

#### MISCELLANEOUS

##### *Offence relating to significant environmental harm*

#### **42 Corporate offending**

- (1) Subsection (2) applies where—
- (a) an offence under section 40(1) or 41(7) is committed by a relevant organisation, and
  - (b) the commission of the offence involves the connivance or consent, or is attributable to the neglect, of a responsible official of the relevant organisation.
- (2) The responsible official (as well as the relevant organisation) commits the offence.
- (3) In this section—
- “a relevant organisation” means—
    - (a) a company,
    - (b) a limited liability partnership,
    - (c) a partnership (other than a limited liability partnership), or
    - (d) another body or association,
  - “a responsible official” means—
    - (a) in the case of a company, a director, secretary, manager or similar officer of the company,
    - (b) in the case of a limited liability partnership, a member of the partnership,
    - (c) in the case of a partnership (other than a limited liability partnership), a partner of the partnership, or

---

*Changes to legislation: There are currently no known outstanding effects for the Regulatory Reform (Scotland) Act 2014, Section 42. (See end of Document for details)*

---

(d) in the case of another body or association, a person who is concerned in the management or control of its affairs,

and in each case includes a person purporting to act in a capacity mentioned in any of paragraphs (a) to (d) of this definition.

---

**Commencement Information**

**II** S. 42 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulatory Reform (Scotland) Act 2014, Section 42.