



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

Status: This is the original version (as it was originally enacted).

(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.