



Transport (Scotland) Act 2019

2019 asp 17

PART 10

MISCELLANEOUS AND GENERAL

General

125 Individual culpability where offending by an organisation

- (1) This section applies where—
- (a) an offence in this Act or any regulations made under it is committed by a relevant organisation, and
 - (b) the commission of the offence—
 - (i) involves consent or connivance on the part of a responsible individual, or
 - (ii) is attributable to neglect on the part of a responsible individual.
- (2) The responsible individual (as well as the relevant organisation) commits the offence.
- (3) For the purposes of this section—
- (a) “relevant organisation” means an organisation listed in the first column of the table in paragraph (c),
 - (b) “responsible individual” means, in relation to a relevant organisation—
 - (i) an individual falling within the corresponding entry in the second column of the table in paragraph (c), or
 - (ii) an individual purporting to act in the capacity of an individual falling within the corresponding entry,
 - (c) the table is as follows—

Relevant organisation	Individual
Company as mentioned in section 1 of the Companies Act 2006	Director, manager, secretary or other similar officer Member, where the company’s affairs are managed by its members

Status: This is the original version (as it was originally enacted).

Relevant organisation	Individual
Limited liability partnership	Member
Other partnership	Partner
Any other body or association	Individual who is concerned in the management or control of its affairs.