

*These notes relate to the Disclosure (Scotland) Act 2020
(asp 13) which received Royal Assent on 14 July 2020*

DISCLOSURE (SCOTLAND) ACT 2020

EXPLANATORY NOTES

PROVISION BY PROVISION COMMENTARY

Part 3: General

Section 94: Individual culpability where organisation commits offence

187. Section 94 makes provision about offences under the Act committed by legal entities, such as companies, partnerships and associations. Where an offence under the Act is committed by a “relevant organisation”, this section provides that the relevant organisation and, in some cases, a “responsible individual” in that organisation are both to be held responsible. This ensures that those running legal entities who are responsible for the decisions leading to an offence under the Act can also be prosecuted for it.