



# Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

## 2021 asp 15

### PART 4

#### FINANCIAL REDRESS: REDRESS PAYMENTS

### CHAPTER 6

#### PROVISION OF INFORMATION AND EVIDENCE

#### **85 Individual culpability where an organisation commits an offence under section 84**

- (1) This section applies where—
  - (a) an offence under section 84 is committed by a relevant organisation, and
  - (b) the commission of the offence involves the connivance or consent of, or is attributable to the neglect of—
    - (i) a responsible individual of the organisation, or
    - (ii) an individual purporting to act in the capacity of a responsible individual.
- (2) The responsible individual (or, as the case may be, the individual purporting to act in that capacity), as well as the relevant organisation, commits the offence.
- (3) “Relevant organisation” means—
  - (a) a company,
  - (b) a partnership (including a limited liability partnership),
  - (c) another body or association.
- (4) “Responsible individual” means—
  - (a) in the case of a company—
    - (i) a director, secretary, manager or similar officer, or
    - (ii) where the affairs of the company are managed by its members, a member,

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**Changes to legislation:** There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 85. (See end of Document for details)

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- (b) in the case of a limited liability partnership, a member,
- (c) in the case of a partnership other than a limited liability partnership, a partner,
- (d) in the case of another body or association, a person who is concerned in the management or control of its affairs.

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**Commencement Information**

**II** S. 85 in force at 7.12.2021 by S.S.I. 2021/419, reg. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021, Section 85.