



# Protection of Children (Scotland) Act 2003

## 2003 asp 5

### *Interpretation and general*

#### **20 Offences by bodies corporate etc.**

- (1) Where an offence under this Act committed—
- (a) by a body corporate other than a local authority, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
    - (i) is a director, manager or secretary of the body corporate; or
    - (ii) purports to act in any such capacity;
  - (b) by a local authority, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
    - (i) is an officer or member of the authority; or
    - (ii) purports to act in any such capacity;
  - (c) by a Scottish partnership, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
    - (i) is a partner; or
    - (ii) purports to act in that capacity;
  - (d) by an unincorporated association other than a Scottish partnership, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
    - (i) is concerned in the management or control of the association; or
    - (ii) purports to act in the capacity of a person so concerned;
- the individual (as well as the body corporate or, as the case may be, the local authority, Scottish partnership or unincorporated association) is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.