



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

Changes to legislation: There are currently no known outstanding effects for the Regulatory Reform (Scotland) Act 2014, Section 42. (See end of Document for details)

(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.

Commencement Information

II S. 42 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

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