Wild Animals in Travelling Circuses (Scotland) Act 2018

2018 asp 3

Individual liability for organisational offending

6   Individual culpability where organisation commits offence

(1) This section applies where—
    (a)   an offence under section 1 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 subsection (4),
    (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 subsection (4), or
        (ii) an individual purporting to act in the capacity of an individual falling within the corresponding entry.

(4) The table is as follows—

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
limited liability partnership	member
other partnership	partner

any other body or association	individual who is concerned in the management or control of its affairs

Commencement Information

I1   S. 6 in force at 28.5.2018 by S.S.I. 2018/149, **reg. 2**

Status:
Point in time view as at 28/05/2018.

Changes to legislation:
There are currently no known outstanding effects for the Wild Animals in Travelling Circuses (Scotland) Act 2018, Cross Heading: Individual liability for organisational offending.