
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 64

The Agricultural Processing, Marketing and Co-operation Grants (Scotland) Regulations 2008

Offences by bodies corporate

- 13.**—(1) A person is guilty of an offence if conditions A and B are met.
- (2) Condition A is met if an offence under regulation 12 is committed by—
- (a) a body corporate; or
 - (b) a Scottish partnership.
- (3) Condition B is met if it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
- (a) a relevant person; or
 - (b) a person purporting to act in the capacity of a relevant person.
- (4) In subsection (3), “relevant person” means—
- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, a member; and
 - (b) in relation to a Scottish partnership, a partner.
- (5) Where paragraph (1) applies, that person as well as the body corporate or partnership (as the case may be) is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (6) Where the affairs of a body corporate are managed by its members, the provisions of this regulation apply in relation to the acts and defaults of a member in connection with the members' functions of management as if the member were a director of the body corporate.