
DRAFT STATUTORY INSTRUMENTS

2018 No.

**The Package Travel and Linked Travel
Arrangements Regulations 2018**

PART 7

Enforcement

Liability of persons other than the principal offender

33.—(1) Where the commission by any person of an offence under regulation 5(5), 7(12), 19(9), 25 or 26(10) is due to an act or default committed by some other person in the course of any business of that person, the other commits the offence and may be proceeded against and punished by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate commits an offence under any of the provisions mentioned in paragraph (1) (including where it is so committed by virtue of that paragraph) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, both that person and the body corporate commit that offence and are liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if the member were a director of the body corporate.

(4) Where an offence under any of the provisions mentioned in paragraph (1) committed in Scotland by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a partner, the partner (as well as the partnership) commits the offence and liable to be proceeded against and punished accordingly.