



# Regulation of Care (Scotland) Act 2001

## 2001 asp 8

### PART 1

#### THE COMMISSION AND CARE SERVICES

##### *Offences*

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

Where an offence under this Part, or under regulations made under this Part, committed by—

- (a) 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) 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) a firm, 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 in the firm; or
  - (ii) purports to act in that capacity;
- (d) an unincorporated association other than a firm, 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 person (as well as the body corporate or as the case may be the local authority, firm or association) is guilty of the offence and is liable to be proceeded against and punished accordingly.