



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 5

#### GENERAL

#### *Offences and liability*

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

- (1) Where an offence under this Act which has been committed by a body corporate other than a local authority is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) a director, manager, secretary, member or other similar officer of the body corporate, or
  - (b) any person who was purporting to act in any such capacity,that person, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) Where an offence under this Act which has been committed by a local authority is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) an officer or member of the authority, or
  - (b) any person who was purporting to act in any such capacity,that person, as well as the authority, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) Where an offence under this Act which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) a partner, or
  - (b) any person who was purporting to act in that capacity,that person, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

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*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 49. (See end of Document for details)*

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- (4) Where an offence under this Act which has been committed by an unincorporated association other than a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a person who is concerned in the management or control of the association, or
  - (b) any person who was purporting to act in that capacity,
- that person, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.

**Commencement Information**

**II** S. 49 in force at 1.5.2005 by [S.S.I. 2004/404](#), [art. 2\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 49.