

# **PUBLIC HEALTH ETC. (SCOTLAND) ACT 2008**

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## **EXPLANATORY NOTES**

### **THE ACT – OVERVIEW**

#### **Part 10**

#### **General and Miscellaneous**

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#### ***Section 119 Offences by bodies corporate etc.***

226. Subsection (1) provides that, where an offence under the Act is committed by a body corporate, a limited liability partnership, or by a Scottish partnership, it is also considered to be committed by certain individuals if those individuals consented or connived in committing the offence, or where the offence was attributable to their neglect. Those individuals are: in the case of a body corporate (but not a limited liability partnership) any director, manager, secretary or other similar officer of the body corporate or a person who claims to act in such a capacity; in the case of a limited liability partnership, any member of that partnership or person who claims to act as a member; in the case of a Scottish partnership, any partner or a person who claims to act as a partner.
227. Subsection (2) states that where the affairs of a body corporate (other than a limited liability partnership) are managed by its members, then the provision in subsection (1) applies to the acts and omissions of a member, as if the member were a director of the body corporate.