



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 10

#### GENERAL AND MISCELLANEOUS

##### *General and miscellaneous*

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

- (1) Where an offence under this Act—
- (a) by a body corporate (other than a limited liability partnership), is committed with the consent or connivance of, or is attributable to neglect on the part of—
    - (i) any director, manager, secretary or other similar officer of the body corporate; or
    - (ii) a person who purports to act in any such capacity;
  - (b) by a limited liability partnership, is committed with the consent or connivance of, or is attributable to neglect on the part of—
    - (i) any member of that partnership; or
    - (ii) a person who purports to act as a member;
  - (c) by a Scottish partnership (other than a limited liability partnership), is committed with the consent or connivance of, or is attributable to neglect on the part of—
    - (i) any partner; or
    - (ii) a person who purports to act as a partner,
- that person as well as the body corporate, the limited liability partnership or the partnership (as the case may be) is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate (other than a limited liability partnership) are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with the member's functions of management as if the member were a director of the body corporate.

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**Changes to legislation:** There are currently no known outstanding effects for the  
Public Health etc. (Scotland) Act 2008, Section 119. (See end of Document for details)

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**Commencement Information**

**II** S. 119 in force at 1.10.2009 by S.S.I. 2009/319, art. 2(a), **Sch. 1**

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Section 119.