



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 3

CRIMINAL PROCEDURE

Offences: liability of partners

53 Offences: liability of partners

- (1) A partner of a partnership (other than a limited liability partnership) is guilty of a corporate offence where—
- (a) the partnership is guilty of the corporate offence, and
 - (b) it is proved that the corporate offence committed by the partnership—
 - (i) was committed with the consent or connivance of the partner (whether alone or among others), or
 - (ii) was attributable to the neglect of the partner (whether alone or among others).
- (2) In subsection (1), a “corporate offence” is an offence in relation to which an enactment has the effect that where—
- (a) a body corporate is guilty of the offence, and
 - (b) it is proved that the offence—
 - (i) was committed with the consent or connivance of a director (whether alone or among others), or
 - (ii) was attributable to the neglect of a director (whether alone or among others),
- the director (as well as the body corporate) is guilty of the offence.
- (3) In subsection (1), the references to a partner of a partnership include references to a person purporting to act as a partner of the partnership.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 53. (See end of Document for details)

- (4) Subsection (1) does not apply in relation to a corporate offence if an enactment (other than subsection (1)) makes provision in relation to the offence having the same effect as that subsection.

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Commencement Information

I1 [S. 53](#) in force at 28.3.2011 by [S.S.I. 2011/178](#), art. 2, [Sch.](#) (with [Sch.](#))

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