

*These notes relate to the Tobacco and Primary Medical Services
(Scotland) Act 2010 (asp 3) which received Royal Assent on 3 March 2010*

TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT – OVERVIEW

Part 1 – Tobacco Products Etc.

Section 34 – Offences by bodies corporate etc.

47. Where a body corporate, Scottish partnership or other unincorporated association commits an offence under this Act, which is proved to have been committed with the consent or the connivance of a “relevant individual” or an individual acting as such, or because of neglect by the “relevant individual”, the individual, as well the relevant organisation, will be guilty of the offence.
48. Subsection (2) defines a “relevant individual” in relation to a body corporate as a director, manager, secretary or other similar officer of the body, or a member (where the affairs of the body are managed by its members). In relation to a limited liability partnership, Scottish partnership and unincorporated association other than a Scottish partnership the “relevant individual” is a member, a partner and a person who is concerned in the management or control of the association respectively.