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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**The Limited Liability Partnerships (Application  
of Companies Act 2006) Regulations 2009**

**PART 16  
OFFENCES**

**Liability of member in default**

**70.** Sections 1121 and 1122 apply to LLPs for the purposes of these Regulations, modified so that they read as follows—

**“Liability of member in default**

**1121.**—(1) This section has effect for the purposes of any provision of the Companies Acts to the effect that, in the event of contravention of an enactment in relation to an LLP, an offence is committed by every member or, as the case may be, every designated member of the LLP who is in default.

(2) A member or designated member is “in default” for the purposes of the provision if he authorises or permits, participates in, or fails to take all reasonable steps to prevent, the contravention.

**Liability of company or LLP as member in default**

**1122.**—(1) Where a company or an LLP is a member or designated member of an LLP, it does not commit an offence as a member or designated member in default unless (in the case of a company) one of its officers is in default, or (in the case of a member LLP) one of its members is in default.

(2) Where any such offence is committed by a company or LLP the officer or member in question also commits the offence and is liable to be proceeded against and punished accordingly.

(3) In this section an officer or member is “in default” for the purposes of the provision if he authorises or permits, participates in, or fails to take all reasonable steps to prevent, the contravention.”.