



# Tobacco Advertising and Promotion Act 2002

## 2002 CHAPTER 36

### 18 Offences by bodies corporate and Scottish partnerships

- (1) If an offence under any provision of this Act committed by a body corporate is proved—
  - (a) to have been committed with the consent or connivance of an officer, or
  - (b) to be attributable to any neglect on his part,the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In subsection (1) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.
- (3) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (4) If an offence under any provision of this Act committed by a partnership in Scotland is proved—
  - (a) to have been committed with the consent or connivance of a partner, or
  - (b) to be attributable to any neglect on his part,the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) In subsection (4) “partner” includes a person purporting to act as a partner.

#### Commencement Information

- II** S. 18 wholly in force at 14.2.2003; s. 18 not in force at Royal Assent see s. 22(1)(2); s. 18 wholly in force at 14.2.2003 by [S.I. 2002/2865](#), [art. 2\(2\)\(i\)](#); [S.S.I. 2002/512](#), [art. 2\(2\)\(i\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Section 18.