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STATUTORY INSTRUMENTS

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**2015 No. 1640**

**The Packaging (Essential Requirements) Regulations 2015**

**PART 4**

**Enforcement**

**Liability of persons other than the principal offender**

**11.**—(1) Where the commission by a person of an offence under regulation 8 is due to anything that another person did or failed to do in the course of a business, that other person is guilty of the offence and may be proceeded against and punished, whether or not proceedings are taken against the first person.

(2) Where a body corporate or a Scottish partnership commits an offence and it is proved that the offence was committed—

- (a) with the consent or connivance of a relevant person; or
- (b) as a result of the negligence of a relevant person,

that person, as well as the body corporate, is guilty of the offence.

(3) A “relevant person” means—

- (a) a director, manager, secretary or other similar officer of a body corporate;
- (b) in relation to a body corporate managed by its members, a member of that body performing managerial functions;
- (c) in relation to a Scottish partnership, a partner;
- (d) a person purporting to act as a person described in sub-paragraph (a), (b) or (c).