



# Public Health (Wales) Act 2017

2017 anaw 2

## PART 9

### MISCELLANEOUS AND GENERAL

#### *General*

#### **120 Offences by bodies corporate etc.**

- (1) This section applies where an offence under this Act is committed by—
  - (a) a body corporate;
  - (b) a partnership;
  - (c) an unincorporated association other than a partnership.
- (2) If the offence is proved to have been committed by, or with the consent or connivance of, or to be attributable to neglect on the part of—
  - (a) a senior officer of the body corporate or partnership or unincorporated association, or
  - (b) any person purporting to act in a capacity mentioned in paragraph (a),that senior officer or person (as well as the body corporate, partnership or association) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) In this section, “senior officer” means—
  - (a) in relation to a body corporate, a director, manager, secretary or other similar officer of the body corporate;
  - (b) in relation to a partnership, a partner in the partnership;
  - (c) in relation to an unincorporated association other than a partnership, any officer of the association or any member of its governing body.
- (4) In subsection (3)(a), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (5) In this section and sections 121 and 122, “partnership” means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) a partnership within the [Partnership Act 1890 \(c.39\)](#), or
- (b) a limited partnership registered under the [Limited Partnerships Act 1907 \(c.24\)](#).