



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 3

### CRIMINAL PROCEDURE

#### *Offences: liability of partners*

#### **53 Offences: liability of partners**

- (1) A partner of a partnership (other than a limited liability partnership) is guilty of a corporate offence where—
- (a) the partnership is guilty of the corporate offence, and
  - (b) it is proved that the corporate offence committed by the partnership—
    - (i) was committed with the consent or connivance of the partner (whether alone or among others), or
    - (ii) was attributable to the neglect of the partner (whether alone or among others).
- (2) In subsection (1), a “corporate offence” is an offence in relation to which an enactment has the effect that where—
- (a) a body corporate is guilty of the offence, and
  - (b) it is proved that the offence—
    - (i) was committed with the consent or connivance of a director (whether alone or among others), or
    - (ii) was attributable to the neglect of a director (whether alone or among others),
- the director (as well as the body corporate) is guilty of the offence.
- (3) In subsection (1), the references to a partner of a partnership include references to a person purporting to act as a partner of the partnership.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Subsection (1) does not apply in relation to a corporate offence if an enactment (other than subsection (1)) makes provision in relation to the offence having the same effect as that subsection.