

*These notes relate to the Transport (Scotland) Act 2019  
(asp 17) which received Royal Assent on 15 November 2019*

# **TRANSPORT (SCOTLAND) ACT 2019**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 10 – Miscellaneous and General**

##### **General**

##### ***Section 125 – Individual culpability where offending by an organisation***

555. This section makes provision in relation to corporate offending. By virtue of subsections (1) and (2), where an offence is committed under the Act by a company, partnership or other body, and is proved to have been committed with the consent or the connivance of a “relevant individual” or an individual acting as such – or because of any neglect by the “relevant individual” – that individual, as well as the body corporate, partnership or other unincorporated association, will be guilty of the offence and liable to punishment.
556. Subsections (2) and (3) define a “relevant individual” in relation to a company as a director, manager, secretary or other similar officer (i.e. with managerial responsibility for the body under company law), or a member (where the affairs of the body are managed by its members). In relation to a limited liability partnership, it is a member; in relation to other kinds of partnership, a partner; and in relation to any other body or association, it is a person who is concerned with the management or control of that body or association.