



# Referendums (Scotland) Act 2020

## 2020 asp 2

### *Offences*

#### **35 Offences**

Schedule 6 makes provision about offences in or in connection with the referendum.

#### **36 Individual culpability for offending by an organisation**

- (1) Subsection (2) applies where—
  - (a) an offence under this Act is committed by—
    - (i) a body corporate,
    - (ii) a Scottish partnership, or
    - (iii) an unincorporated association other than a Scottish partnership, and
  - (b) the commission of the offence involves the connivance or consent of, or is attributable to the neglect of—
    - (i) a relevant individual, or
    - (ii) an individual purporting to act in the capacity of a relevant individual.
- (2) The individual (as well as the body corporate, partnership or (as the case may be) association) commits the offence.
- (3) In subsection (1), “relevant individual” means—
  - (a) in relation to a body corporate (other than a limited liability partnership)—
    - (i) a director, manager, secretary or other similar officer of the body,
    - (ii) where the affairs of the body are managed by its members, a member,
  - (b) in relation to a limited liability partnership, a member,
  - (c) in relation to a Scottish partnership, a partner,
  - (d) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

**Changes to legislation:**

There are currently no known outstanding effects for the Referendums (Scotland) Act 2020,  
Cross Heading: Offences.