



Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

PART 6 **S**

EXEMPTIONS, ENFORCEMENT AND OTHER MATTERS

Miscellaneous

49 Individual culpability for offending by an organisation **S**

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

Changes to legislation: There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, Section 49. (See end of Document for details)

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Commencement Information

- I1** S. 49 not in force at Royal Assent, see [s. 56\(2\)](#)
- I2** S. 49 in force at 10.10.2022 by [S.S.I. 2022/280](#), reg. 2, [sch.](#)

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