



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 3

### CRIMINAL PROCEDURE

VALID FROM 28/03/2011

#### *Prosecution of organisations*

#### **65 Meaning of “organisation”**

In section 307(1) of the 1995 Act (interpretation), after the definition of “order for lifelong restriction”, insert—

““organisation” means—

- (a) a body corporate;
- (b) an unincorporated association;
- (c) a partnership;
- (d) a body of trustees;
- (e) a government department;
- (f) a part of the Scottish Administration;
- (g) any other entity which is not an individual;”.

#### **66 Proceedings on indictment against organisations**

- (1) The title of section 70 of the 1995 Act (proceedings against bodies corporate) is amended by substituting “ organisations ” for “bodies corporate”.
- (2) Section 70 of that Act is amended as follows.
- (3) In subsection (1), for “a body corporate” substitute “ an organisation ”.

*Status: Point in time view as at 13/12/2010. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Prosecution of organisations. (See end of Document for details)*

(4) For subsection (2) substitute—

“(2) The indictment may be served by delivery of a copy of the indictment together with notice to appear at—

(a) in the case of a body of trustees—

(i) the dwelling-house or place of business of any of the trustees, or

(ii) if the solicitor of the body of trustees is known, the place of business of the solicitor,

(b) in the case of any other organisation, the registered office or, if there is no registered office or the registered office is not in the United Kingdom, at the principal place of business in the United Kingdom of the organisation.”.

(5) In subsection (3)—

(a) for “the registered office or principal place of business of the body corporate” substitute “ any place ”, and

(b) for “the registered office or place of business” substitute “ that place ”.

(6) In subsection (4)—

(a) for “A body corporate” substitute “ An organisation ”, and

(b) the words “of the body corporate” are repealed.

(7) In subsection (5), for “body corporate” in both places that expression occurs substitute “ organisation ”.

(8) In subsection (5A)(a), for “body corporate” substitute “ organisation ”.

(9) In subsection (6)—

(a) for “a body corporate” substitute “ an organisation ”, and

(b) for “the body corporate” substitute “ the organisation ”.

(10) In subsection (7), for “a body corporate” substitute “ an organisation ”.

(11) In subsection (8), for paragraph (c) substitute—

“(ba) in the case of a partnership (other than a limited liability partnership), a partner or other person in charge, or locally in charge, of the partnership's affairs;

(bb) in the case of an unincorporated association, the secretary or other person in charge, or locally in charge, of the association's affairs;

(c) in the case of any other organisation, an employee, officer or official of the organisation duly appointed by it for the purposes of the proceedings.”.

(12) In subsection (9), after paragraph (b) insert—

“(c) in the case of a partnership (other than a limited liability partnership), purporting to be signed by a partner;

(d) in the case of an unincorporated association, purporting to be signed by an officer of the association;

(e) in the case of a government department or a part of the Scottish Administration, purporting to be signed by a senior officer in the department or part.”.

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## **67 Prosecution of organisations by summary procedure**

- (1) Section 143 of 1995 Act (prosecution of companies etc.) is amended as follows.
- (2) In subsection (1), for “a partnership, association, body corporate or body of trustees” substitute “an organisation”.
- (3) In subsection (2), for “partnership, association, body corporate or body of trustees in their” substitute “organisation in its”.
- (4) In subsection (4), for “A partnership, association, body corporate or body of trustees” substitute “An organisation”.
- (5) In subsection (5)(b), for “of the partnership, association, body corporate or body of trustees” substitute “, officer or official of the organisation”.
- (6) In subsection (6), after paragraph (d) insert—
  - “(e) in the case of a government department or part of the Scottish Administration, purporting to be signed by a senior officer in the department or part,”.
- (7) In subsection (7)—
  - (a) for “a partnership, association, body corporate or body of trustees” substitute “an organisation”,
  - (b) for “partnership, association, body corporate or (as the case may be) body of trustees” substitute “organisation”.

## **68 Manner of citation of organisations in summary proceedings**

In section 141 of the 1995 Act (manner of citation), in subsection (2)(b), for “a partnership, association or body corporate” substitute “an organisation other than a body of trustees”.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Prosecution of organisations.