
STATUTORY INSTRUMENTS

1992 No. 3288

**The Package Travel, Package Holidays
and Package Tours Regulations 1992**

Liability of persons other than principal offender

25.—(1) Where the commission by any person of an offence under regulation 5, 7, 8, 16 or 22 of these Regulations is due to an act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under any of the provisions mentioned in paragraph (1) above (including where it is so guilty by virtue of the said paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) Where an offence under any of the provisions mentioned in paragraph (1) above committed in Scotland by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a partner, he (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) On proceedings for an offence under regulation 5 by virtue of paragraph (1) above committed by the making available of a brochure it shall be a defence for the person charged to prove that he is a person whose business it is to publish or arrange for the publication of brochures and that he received the brochure for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under these Regulations.