

ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION  
**NOT FOR PUBLICATION OR BROADCAST**  
**BEFORE 0001 HOURS 13 DECEMBER 2011**

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### **PARTNERSHIPS: CRIMINAL LIABILITY EXTENDED**

The Scottish Law Commission today publishes its Report on the *Criminal Liability of Partnerships*.

A failed prosecution following the fatal fire at the Rosepark nursing home in 2004 highlighted a problem with the law: a partnership could not be prosecuted once it had been dissolved. The Commission's report addresses this problem and recommends that it should remain competent to prosecute a partnership during a period of 5 years following its dissolution.

The Report also includes a draft Bill which would give effect to its recommendations.

Patrick Layden QC, who was the lead Commissioner on this project, said:

"The Commission's Report recommends a simple targeted solution to the problem thrown up by the Rosepark fire. While we would very much prefer to deal with this matter as part of the comprehensive reform of partnership law which we (and the English Law Commission) have recommended, these limited provisions will address the dissolution issue pending general reform."

In 2003, the Scottish Law Commission and the Law Commission published their joint report on Partnership Law. This recommended comprehensive reform of the law of partnership, including the circumstances and effects of dissolution. The Scottish Law Commission's preferred long-term solution to the issue identified in the Rosepark case would be the implementation by the UK Government of the recommendations in the joint report on Partnership law.

While the project on *Criminal Liability of Partnerships* was prompted by the failure of the attempted prosecutions following the Rosepark fire, the Commission emphasises that it is concerned with reforming the law for the future. The Report is not concerned with the facts of the Rosepark fire, and the Commission expresses no view as to the merits of the attempted prosecution of those involved.

### **NOTES TO EDITORS**

1. The Scottish Law Commission was set up in 1965 to promote the reform of the law of Scotland. The Chairman is the Hon Lord Drummond Young, a Court of Session judge. The other Commissioners are Laura J Dunlop QC, Patrick Layden QC TD, Professor Hector L MacQueen, and Dr Andrew J M Steven. The Chief Executive is Malcolm McMillan.
2. Further information can be obtained by contacting Alastair Smith, Scottish Law Commission, 140 Causewayside, Edinburgh EH9 1PR (Tel: 0131 668 2131, Fax: 0131 662 4900, email: [info@scotlawcom.gsi.gov.uk](mailto:info@scotlawcom.gsi.gov.uk)).
3. The paper may also be viewed on our website at <http://www.scotlawcom.gov.uk/> or purchased from TSO (<http://www.tsoshop.co.uk/>).