

8. Offence by corporation

- (1) Where a corporation contravenes section 7 or 7A, each person who is a director of the corporation or who is concerned in the management of the corporation contravenes the section unless the person satisfies the court that —
 - (a) the corporation contravened the section without the knowledge of the person; or
 - (b) the person —
 - (i) was not in a position to influence the conduct of the corporation in relation to its contravention of the section; or
 - (ii) being in such a position, used all due diligence to prevent the contravention by the corporation.
- (2) A person may be proceeded against and convicted under section 7 or 7A because of subsection (1) whether or not the corporation has been proceeded against or convicted under that provision.
- (3) Nothing in this section prejudices or affects any liability imposed by this Act on any corporation by which an offence against section 7 or 7A is actually committed.

[Section 8 amended by No. 2 of 2004 s. 11.]