



# Breastfeeding etc. (Scotland) Act 2005

## 2005 asp 1

### **2 Vicarious liability**

- (1) Anything done by a person in the course of that person's employment shall, in any proceedings brought under this Act, be treated for the purposes of this Act as done also by that person's employer, whether or not it was done with the employer's knowledge or approval.
- (2) Anything done by a person as agent for another person with the authority (whether express or implied and whether precedent or subsequent) of that other person shall, in any proceedings brought under this Act, be treated for the purposes of this Act as done also by that other person.
- (3) In proceedings brought under this Act against an employer in respect of an offence under section 1 alleged to have been done by an employee of the employer, it shall be a defence for the employer to prove that the employer took such steps as were reasonably practicable to prevent the employee from committing such an offence in the course of the employee's employment.
- (4) In this section, "employment" means employment under a contract of service or of apprenticeship or a contract personally to do any work; and related expressions are to be construed accordingly.