



Regulatory Reform (Scotland) Act 2014

2014 asp 3

PART 3

ENVIRONMENTAL REGULATION

CHAPTER 4

MISCELLANEOUS

Vicarious liability

38 Vicarious liability for certain offences by employees and agents

- (1) Subsection (2) applies where a person (“A”) commits a relevant offence while acting as the employee or agent of another person (“B”).
- (2) B also commits the relevant offence and is liable to be proceeded against and punished accordingly.
- (3) Where B is charged with a relevant offence by virtue of subsection (2), it is a defence for B to show—
 - (a) that B did not know that the relevant offence was being committed by A,
 - (b) that no reasonable person could have suspected that the relevant offence was being committed by A, and
 - (c) that B took all reasonable precautions and exercised all due diligence to prevent the offence being committed.
- (4) Proceedings may be taken against B in respect of the relevant offence whether or not proceedings are also taken against A in respect of that offence.

Commencement Information

II S. 38 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

Changes to legislation:

There are currently no known outstanding effects for the Regulatory Reform (Scotland) Act 2014, Section 38.