



Licensing (Scotland) Act 2005

2005 asp 16

PART 9

MISCELLANEOUS AND GENERAL

Miscellaneous

[^{F1}141B Vicarious liability of premises licence holders and interested parties

- (1) Subsection (2) applies where, on or in relation to any licensed premises, a person commits an offence to which this section applies while acting as the employee or agent of—
 - (a) the holder of the premises licence, or
 - (b) an interested party.
- (2) The holder of the premises licence or, as the case may be, the interested party is also guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) It is a defence for a holder of a premises licence or an interested party charged with an offence to which this section applies by virtue of subsection (2) to prove that the holder of the licence or, as the case may be, the interested party—
 - (a) did not know that the offence was being committed by the employee or agent, and
 - (b) exercised all due diligence to prevent the offence being committed.
- (4) Proceedings may be taken against the holder of the premises licence or the interested party in respect of the offence whether or not proceedings are also taken against the employee or agent who committed the offence.
- (5) This section applies to an offence under any of the following provisions of this Act—
 - section 1(3),
 - section 15(5),
 - section 63(1),
 - section 97(7),
 - section 102(1),
 - section 103(1),

Changes to legislation: Licensing (Scotland) Act 2005, Section 141B is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

section 106(2),
section 107(1),
section 108(2) or (3),
section 113(1),
section 114,
section 115(2),
section 118(1),
section 119(1),
section 120(2),
section 121(1),
section 138(5).]

Textual Amendments

- F1** Ss. 141A, 141B inserted (13.12.2010 for specified purposes, 1.11.2011 in so far as not already in force) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. **195(3)**, 206(1); S.S.I. [2010/413](#), art. 2, Sch.; S.S.I. 2011/354, art. 2, Sch.

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Changes and effects yet to be applied to :

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)