

*These notes relate to the Wildlife and Natural Environment (Scotland)  
Act 2011 (asp 6) which received Royal Assent on 7 April 2011*

# **WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) ACT 2011**

---

## **EXPLANATORY NOTES**

### **THE ACT – COMMENTARY ON SECTIONS**

#### **Part 2 – Wildlife under the 1981 Act**

#### ***Section 24 – Liability in relation to certain offences by others***

#### **Vicarious liability for certain offences by employee etc, – inserted section 18A of the 1981 Act**

163. Section 18A of the 1981 Act has the effect that where the employee or agent of a person with a right to take or kill a wild bird on or over land, or of a person who manages or controls such a rights (see subsection 5), is guilty of relevant offences (see subsection 6) on or in relation to that land, then such a person is also guilty of an offence.
164. Subsection (3) provides for it to be defence for the person who has (or controls or manages) the relevant right to show that they did not know that an offence was being committed by the employee or agent, and that they took all reasonable steps and exercised all due diligence to avoid the offence being committed (a “due diligence” defence).
165. Subsection (4) has the effect that proceedings for an offence can be taken against the person who has (or controls or manages) the relevant right, or the employee or agent, or all such persons.
166. The penalties relating to offences under section 18A of the 1981 Act are the same as those that apply to the relevant offences (for which see section 21 of the 1981 Act).