

*These notes relate to the Climate Change (Scotland) Act
2009 (asp 12) which received Royal Assent on 4 August 2009*

CLIMATE CHANGE (SCOTLAND) ACT 2009

EXPLANATORY NOTES

THE ACT

Part 5 – Other Climate Change Provisions **Chapter 5 – Waste reduction and recycling**

Waste prevention and management plans

Penalties

186. **Section 90** sets out the maximum penalties for offences created by regulations under any section in Part 5 of the Act (namely, section 63 in Chapter 3 and sections 78 to 88 in Chapter 5). The statutory maximum for summary cases (those heard without a jury) is currently £10,000, and was set by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007. It may, however, be varied by order by the Scottish Ministers under powers given by the Criminal Procedure (Scotland) Act 1995. Where a prosecution is on indictment rather than under summary procedure, the court may impose an unlimited fine.