



Water Resources (Scotland) Act 2013

2013 asp 5

PART 7

WATER SHORTAGE ORDERS

Appeal and offence

43 Appeal against order

- (1) A person who is aggrieved by a water shortage order may appeal to the sheriff against—
 - (a) the making of the order,
 - (b) the terms of the order.
- (2) An appeal under subsection (1) must be made—
 - (a) by way of summary application,
 - (b) within the period of 14 days beginning with the day on which notice of the order is published under paragraph 6 of schedule 1.
- (3) The sheriff may suspend the effect of the order (or of any part of it) pending the determination of the appeal.
- (4) In the appeal, the sheriff may—
 - (a) affirm the order,
 - (b) direct the Scottish Ministers to—
 - (i) amend the order in a specified manner,
 - (ii) revoke the order wholly or partly.
- (5) The sheriff's determination of the appeal is final, except on a point of law.

Commencement Information

II S. 43 in force at 10.6.2013 by [S.S.I. 2013/163](#), art. 3, [Sch.](#)

Changes to legislation: Water Resources (Scotland) Act 2013, Cross Heading: Appeal and offence is up to date with all changes known to be in force on or before 27 July 2019. 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

44 Non-compliance offence

- (1) A relevant person commits an offence if the person, without reasonable excuse, fails to comply with—
 - (a) a water saving measure imposed by a water shortage order, or
 - (b) a restriction or prohibition on the abstraction of water imposed by such an order.
- (2) In subsection (1), “relevant person” means person who is, or ought to be, aware of the order.
- (3) A person who commits an offence under subsection (1) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.

Commencement Information

I2 S. 44 in force at 10.6.2013 by [S.S.I. 2013/163](#), art. 3, [Sch.](#)

45 Corporate offending

- (1) Subsection (2) applies where—
 - (a) an offence under section 44(1) is committed by a relevant organisation, and
 - (b) the commission of the offence involves the connivance or consent of, or is attributable to the neglect of, a responsible official of the organisation.
- (2) The responsible official (as well as the organisation) commits the offence.
- (3) “Relevant organisation” means—
 - (a) company,
 - (b) limited liability partnership,
 - (c) ordinary partnership,
 - (d) other body or association.
- (4) “Responsible official” means—
 - (a) in the case of a company, director, secretary, manager or similar officer,
 - (b) in the case of a limited liability partnership, member,
 - (c) in the case of an ordinary partnership, partner,
 - (d) in the case of another body or association, person who is concerned in the management or control of its affairs,

but in each case also includes person purporting to act in such a capacity.

Commencement Information

I3 S. 45 in force at 10.6.2013 by [S.S.I. 2013/163](#), art. 3, [Sch.](#)

Changes to legislation:

Water Resources (Scotland) Act 2013, Cross Heading: Appeal and offence is up to date with all changes known to be in force on or before 27 July 2019. 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.

[View outstanding changes](#)

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. 3(g) inserted by [2019 asp 9 sch. 2 para. 8](#)