

SCHEDULE 3 MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 5

MISCELLANEOUS ENACTMENTS

Environment Act 1995

- 29 (1) The Environment Act 1995 is amended as follows.
- (2) In section 21 (transfer of functions to SEPA)—
- (a) in subsection (1)—
 - (i) paragraph (a)(i), (iii) and (iv) are repealed,
 - (ii) in paragraph (a)(ii), the words from “Part III” to “and” are repealed,
 - (iii) paragraphs (c), (d), (f) and (h) are repealed,
 - (b) in subsection (2), paragraph (b) is repealed.
- (3) Section 23 (functions of the staff commission established under section 12 of the Local Government etc. (Scotland) Act 1994) is repealed.
- (4) In section 56 (interpretation of Part 1), in subsection (1), in the definition of “disposal authority”, paragraph (b) is repealed.
- (5) In section 91 (interpretation of Part 4), in subsection (1), in the definition of “action plan”, for “84(2)(b)” substitute “84(2)”.
- (6) In section 110 (offences)—
- (a) in subsection (1), after “to” insert “assault, hinder or”,
 - (b) in subsection (4)—
 - (i) in paragraph (a), after “of” where it second occurs insert “assaulting, hindering or”,
 - (ii) in sub-paragraph (i) of that paragraph, after “maximum” insert “or to imprisonment for a term not exceeding 12 months, or to both”,
 - (iii) in paragraph (b), for the words “level 5 on the standard scale” substitute “the prescribed sum within the meaning of section 225(8) of the Criminal Procedure (Scotland) Act 1995 or to imprisonment for a term not exceeding 12 months, or to both”,
 - (c) after subsection (5) insert—
 - “(5A) A person may be convicted of the offence under subsection (1) above of hindering or obstructing even though it is—
 - (a) effected by means other than physical means, or
 - (b) effected by action directed only at any vehicle, apparatus, equipment or other thing used or to be used by an authorised person.
 - (5B) Subsection (5C) applies where, in the trial of a person (“the accused”) charged in summary proceedings with an offence under subsection (1) above, the court—
 - (a) is not satisfied that the accused committed the offence, but

Status: This is the original version (as it was originally enacted).

- (b) is satisfied that the accused committed an offence under subsection (2) above.
- (5C) The court may acquit the accused of the charge and, instead, find the accused guilty of an offence under subsection (2) above.”.
- (7) In section 114 (power of the Scottish Ministers to delegate functions relating to appeals), subsections (2)(a)(i) and (3)(b) are repealed.
 - (8) In Schedule 11 (air quality: supplemental provisions)—
 - (a) in paragraph 1(1)(b), the words “or 84” are repealed,
 - (b) in paragraph 4(2)(b), the words “or 84” are repealed.
 - (9) In schedule 20 (delegation of appellate functions of the Scottish Ministers), paragraph 4(3)(a) is repealed.
 - (10) In Schedule 22 (minor and consequential amendments)—
 - (a) paragraph 1 is repealed,
 - (b) in paragraph 29—
 - (i) in sub-paragraph (2), for the words from “section 30C(1)” to the end of that sub-paragraph, substitute “section 51”,
 - (ii) sub-paragraphs (4)(b) to (e), (5), (6), (8), (9)(a) and (b), (10) to (15), (17) to (22), (25), (26), (29) and (30) are repealed,
 - (c) paragraph 93 is repealed,
 - (d) in paragraph 96, sub-paragraphs (2) to (5), (7) and (8) are repealed.
 - (11) In Schedule 23 (transitional and transitory provisions and savings), the following paragraphs are repealed—
 - (a) paragraph 4,
 - (b) paragraph 6,
 - (c) paragraph 8, and
 - (d) paragraph 18.