

SCHEDULE 3 MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 5

MISCELLANEOUS ENACTMENTS

Criminal Procedure (Scotland) Act 1995

- 31 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 277 (transcript of police interview sufficient evidence)—
- (a) in subsection (1)—
 - (i) the word “or” immediately following paragraph (a) is repealed, and
 - (ii) after paragraph (b) insert “; or
 - (c) a person authorised by the Scottish Environment Protection Agency under section 108 of the Environment Protection Act 1995 and an accused person.”,
 - (b) after subsection (4) add—

“(5) Subsection (1) is without prejudice to section 108(12) of the Environment Act 1995.”.
- (3) In section 280 (routine evidence)—
- (a) after subsection (3), insert—

“(3A) For the purposes of any criminal proceedings, a report purporting to be signed by a person authorised by the Scottish Environment Protection Agency for the purpose of this subsection is sufficient evidence of any fact or conclusion as to fact contained in the report and of the authority of the signatory.”,
 - (b) in subsection (6)—
 - (i) after “(1)”, where it first occurs, insert “, (3A)”, and
 - (ii) in paragraph (b), after “subsection”, where it second occurs, insert “(3A) or”.
- (4) In Schedule 9 (certificates as to proof of certain routine matters)—
- (a) in the table, omit the entry relating to the Water Environment (Controlled Activities) (Scotland) Regulations 2005 Regulation 40,
 - (b) at the end of the table insert the following entries—

“The Water Environment
(Controlled Activities)
(Scotland) Regulations
2011 (S.S.I. 2011/209)

Regulation 44

A person authorised to
do so by the Scottish
Environment Protection
Agency

That the person has
analysed a sample
identified in the certificate
(by label or otherwise)
and that the sample

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Regulations made by virtue of section 18 of the [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#)

A person authorised to do so by a regulator (within the meaning of paragraph 3(1) of schedule 2 to that Act)

is of a nature and composition specified in the certificate.

That the person has analysed a sample identified in the certificate (by label or otherwise) and that the sample is of a nature and composition specified in the certificate.

In relation to a person specified in the certificate that, on a date and in relation to an activity so specified, the person held or, as the case may be, did not hold a permit (within the meaning of paragraph 34 of schedule 2 to that Act) granted by such a regulator and, where the person held such a permit, any condition to which the permit is subject.

In relation to a person specified in the certificate that, on a date and in relation to an activity so specified, the person held or, as the case may be, did not hold registration (within the meaning of paragraph 34 of schedule 2 to that Act) granted by such a regulator and, where the person held such registration—

- (a) any condition to which the registration is subject;
- (b) whether the registration subsisted on the date specified in the certificate.

In relation to a person specified in the certificate that, on a date and in relation to an activity

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so specified, the person had given notification (within the meaning of paragraph 34 of schedule 2 to that Act) to such a regulator and, where the person gave such notification, whether the notification subsisted on the date specified in the certificate.

In relation to a permit or registration (in each case within the meaning of paragraph 34 of schedule 2 to that Act) a description of any variation, transfer, surrender, suspension or revocation of the permit or registration.

In relation to a person specified in the certificate that, on a date so specified, such regulator served on the person a notice mentioned in paragraph 18 of schedule 2 to that Act.

That such a regulator has, in pursuance of paragraph 4(3)(d) of schedule 2 to that Act, made general binding rules as mentioned in that paragraph, or has, in pursuance of paragraph 11 of that schedule, made standard rules as mentioned in that paragraph; and the content of those general binding rules or standard rules.”.
