

Changes to legislation: Water Environment and Water Services (Scotland) Act 2003, SCHEDULE 2A is up to date with all changes known to be in force on or before 19 January 2024. 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

[^{F1}SCHEDULE 2A (introduced by section 22)

REMEDIAL AND RESTORATION MEASURES REGULATIONS: OFFENCES

Textual Amendments

- F1** Sch. 2A inserted (1.1.2015) by Reservoirs (Scotland) Act 2011 (asp 9), ss. 109(2), 116(1) (with s. 110); S.S.I. 2014/348, art. 2, Sch.

Offences

- 1 Creating offences and dealing with matters relating to such offences, including—
 - (a) the provision of defences, and
 - (b) evidentiary matters.
- 2 Enabling, where a person has been convicted of an offence under the regulations, a court dealing with that person for the offence to order the taking of remedial action (in addition to or instead of imposing any punishment).
- 3 Making provision which, subject to any modification that the Scottish Ministers consider appropriate, corresponds or is similar to any provision made by section 157 or 158 of the Environmental Protection Act 1990 (c.43).

Supplementary

- 4 (1) The regulations may provide for any such offence as is mentioned in paragraph 1 to be triable—
 - (a) only summarily,
 - (b) either summarily or on indictment.
- (2) The regulations may provide for such an offence which is triable only summarily to be punishable on conviction by—
 - (a) imprisonment for a term not exceeding such period as is specified (which must not exceed 12 months), or
 - (b) a fine not exceeding such amount as is specified (which must not exceed level 5 on the standard scale),or both.
- (3) The regulations may provide for any such offence which is triable either summarily or on indictment to be punishable—
 - (a) on summary conviction, by—
 - (i) imprisonment for a term not exceeding such period as is specified (which must not exceed 12 months), or
 - (ii) a fine not exceeding such amount as is specified (which must not exceed the statutory maximum),or both,
 - (b) on conviction on indictment by—
 - (i) imprisonment for a term not exceeding such period as is specified (which must not exceed 2 years), or
 - (ii) a fine,

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or both.

Interpretation

- 5 In this schedule—
“ the regulations ” means regulations under section 22,
“ specified ” means specified in the regulations.]

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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. 23(5) inserted by [2014 asp 3 sch. 3 para. 8\(6\)\(b\)](#)