



# Reservoirs (Scotland) Act 2011

## 2011 asp 9

### PART 2

#### PROTECTION OF THE WATER ENVIRONMENT – REMEDIAL AND RESTORATION MEASURES

#### 109 Remedial and restoration measures regulations

- (1) In section 22 (remedial and restoration measures) of the Water Environment and Water Services (Scotland) Act 2003 ([asp 3](#)), in subsection (3), after paragraph (b) insert—  
“(c) for any of the purposes specified in paragraphs 1 to 3 of schedule 2A.  
(4) Paragraphs 4 and 5 of that schedule have effect for supplementing paragraphs 1 to 3.”.
- (2) After schedule 2 to that Act insert—

#### “SCHEDULE 2A (introduced by section 22)

#### REMEDIAL AND RESTORATION MEASURES REGULATIONS: OFFENCES

##### 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,or both.

### **Interpretation**

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