
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

The Environmental Authorisations (Scotland) Regulations 2018

PART 15

Provisions relating to offences

Offences

- 69.**—(1) A person commits an offence if the person—
- (a) contravenes regulation 7;
 - (b) is an authorised person and fails to comply with regulation 8;
 - (c) fails to comply with or contravenes a general binding rule;
 - (d) fails to comply with or contravenes a condition of a registration;
 - (e) fails to comply with or contravenes a condition of a permit;
 - (f) fails to comply with the requirements of a regulatory notice;
 - (g) fails to comply with the requirements of a revocation notice;
 - (h) fails to comply, without reasonable excuse, with the requirements of a notice issued under regulation 37(1) (power to require provision of information);
 - (i) fails to comply with an order made by a court under regulation 75;
 - (j) makes a statement which that person knows to be false or misleading in a material particular, or recklessly makes a statement which is false or misleading in a material particular, if the statement is made—
 - (i) in purported compliance with a requirement by an enforcing officer in exercise of that officer's powers or duties;
 - (ii) in purported compliance with a requirement imposed by or under these Regulations;or
 - (iii) for the purpose of obtaining an authorisation, or securing the variation, transfer or surrender of an authorisation;
 - (k) intentionally makes a false entry in any record required to be kept—
 - (i) as a condition of an authorisation; or
 - (ii) in compliance with a requirement imposed by or under these Regulations;
 - (l) with intent to deceive, forges or uses an authorisation or a document issued or authorised to be issued under a condition of a registration or permit or required for any purpose under a condition of such a registration or permit or makes or possesses a document so closely resembling any such authorisation or document so as to be likely to deceive; or
 - (m) causes or permits any other person to commit an offence under sub-paragraphs (a) to (k).
- (2) A person commits an offence if the person—

- (a) refuses, wilfully neglects, or fails without reasonable excuse to attend a hearing which they are required to attend by a notice under paragraph 23 of schedule 4 to give evidence;
 - (b) wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which the person is required, or is liable to be required, to produce by a notice under paragraph 23 of schedule 4; or
 - (c) causes or permits any other person to commit an offence under sub-paragraph (a) or (b).
- (3) A person who commits an offence under paragraph (1) is liable—
- (a) on summary conviction—
 - (i) to a fine not exceeding £40,000 or to imprisonment for a term not exceeding 12 months, or to both; and
 - (ii) in the case of a continuing offence, to a further fine not exceeding £250 for every day during which the offence is continued after conviction;
 - (b) on conviction on indictment—
 - (i) to a fine or to imprisonment for a term not exceeding 5 years, or to both; and
 - (ii) in the case of a continuing offence to a further fine not exceeding £1,000 for every day during which the offence is continued after conviction.
- (4) A person who commits an offence under paragraph (2) is liable on summary conviction to a fine not exceeding level 2 on the standard scale or to imprisonment for a term not exceeding three months, or to both.