

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCOTTISH STATUTORY INSTRUMENTS

2005 No. 348

The Water Environment (Controlled Activities) (Scotland) Regulations 2005

PART VII

Offences

PROSPECTIVE

Defence to principal offences

44. A person shall not be guilty of an offence under regulation 40(1)(a) to (d), (j) or (o) where the contravention is a result of—

- (a) —
 - (i) an accident which could not reasonably have been foreseen; or
 - (ii) natural causes or force majeure which are exceptional and could not reasonably have been foreseen; and
- (b) —
 - (i) all practicable steps are taken to prevent deterioration of the water environment;
 - (ii) all practicable steps are taken as soon as is reasonably practicable to restore the water environment to its condition prior to the contravention; and
 - (iii) particulars of the contravention are furnished to SEPA as soon as practicable after it occurs.

Commencement Information

II Reg. 44 in force at 1.4.2006, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- Instrument appl by [S.S.I. 2006/133 reg 3](#)
- Regulations revoked by [S.S.I. 2011/209 reg. 58\(1\)\(a\)](#)
- reg. 44 coming into force by [S.S.I. 2005/348 reg. 1\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 16 words substituted by [S.S.I. 2009/420 reg. 4\(7\)](#)
- Sch. 8 para. 1(v)(w) inserted by [S.S.I. 2009/420 reg. 4\(9\)\(b\)](#)
- reg. 10(A1) inserted by [S.S.I. 2009/420 reg. 4\(4\)\(a\)](#)
- reg 15A added by [S.S.I. 2006/553 reg 2](#)