
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 127

**The Environmental Information
(Scotland) Amendment Regulations 2013**

Amendment of the Environmental Information (Scotland) Regulations 2004

- 2.—(1) The Environmental Information (Scotland) Regulations 2004⁽¹⁾ are amended as follows.
(2) After regulation 19 (offences) insert—

“Time limit for proceedings

19A.—(1) Proceedings for an offence under regulation 19(1) committed on or after 31st May 2013 may be commenced within the period of 6 months beginning with the date on which evidence that the prosecutor believes is sufficient to justify the proceedings came to the prosecutor’s knowledge.

(2) No proceedings for an offence referred to in paragraph (1) may be commenced more than 3 years—

- (a) after the commission of the offence; or
- (b) in the case of a continuous contravention, after the last date on which the offence was committed.

(3) In the case of a continuous contravention, the complaint may specify the entire period during which the offence was committed.

(4) A certificate signed by or on behalf of the prosecutor stating the date on which the evidence referred to in paragraph (1) came to the prosecutor’s knowledge is conclusive as to that fact (and such a certificate purporting to be so signed is to be regarded as being signed unless the contrary is proved).

(5) Section 136(3) Criminal Procedure (Scotland) Act 1995 applies for the purposes of this regulation as it does for those of that section.”