

SCHEDULE 3

Article 2(3)

Relevant Offences for the Purposes of Section 36 of the Act
(power to order conviction etc. for offence to be publicised)

The Sludge (Use in Agriculture) Regulations 1989

1. An offence under regulation 9 of the Sludge (Use in Agriculture) Regulations 1989(1) (offences in relation to the use of sludge on agricultural land).

The Environmental Protection Act 1990

2. An offence under any of the following provisions of the Environmental Protection Act 1990(2)—

- (a) section 33(6) (unauthorised or harmful depositing, treatment or disposal etc. of waste; breaching conditions of a waste management licence)(3);
- (b) section 59(5) (failure to comply with a notice requiring removal of waste);
- (c) section 63(2) (offences in relation to depositing waste other than controlled waste);
- (d) section 78M(1) (failure to comply with a remediation notice)(4).

The Radioactive Substances Act 1993

3. An offence under section 32(1) of the Radioactive Substances Act 1993 (offences relating to registration or authorisation)(5).

The Criminal Procedure (Scotland) Act 1995

4. An offence under section 293(2) of the Criminal Procedure (Scotland) Act 1995(6) (statutory offences: art and part and aiding and abetting) as it applies in relation to any other offence listed in this Schedule.

The Special Waste Regulations 1996

5. An offence under regulation 18(1) of the Special Waste Regulations 1996(7) (failure to comply with any obligation or requirement under the Regulations).

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- (1) [S.I. 1989/1263](#)
, to which there are amendments not relevant to this Order.
 - (2) [1990 c.43](#)
.
 - (3) Section 33 was relevantly amended by
[S.S.I. 2009/247](#)
and
[S.S.I. 2011/226](#)
.
 - (4) Section 78M was inserted by section 57 of the Environment Act
[1995 \(c.25\)](#)
and extended by regulation 2 of
[S.S.I. 2007/179](#)
so that it has effect in relation to harm or, subject to an exception in regulation 2(2), pollution of the water environment, so far as attributable to radioactivity possessed by any substance.
 - (5) [1993 c.12](#)
; section 32(1) was amended by paragraph 11 of Schedule 15 to the Energy Act
[2004 \(c.20\)](#)
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 - (6) [1995 c.46](#)
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 - (7) [S.I. 1996/972](#)

The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000

6. An offence under any of the following provisions of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (Scotland) Regulations 2000(8)—
- (a) regulation 13(1) (holding contaminated equipment without registration);
 - (b) regulation 13(2) (offences relating to the holding, disposing and decontaminating of equipment).

The Landfill (Scotland) Regulations 2003

7. An offence under regulation 19(1) of the Landfill (Scotland) Regulations 2003(9) (landfill operators breaching certain prohibitions, criteria and requirements).

The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003

8. An offence under regulation 11 of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003(10) (offences relating to the control and storage of silage and slurry).

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

9. An offence under any of the following provisions of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(11)—
- (a) regulation 40(1) (breaching the producer registration obligation, the producer recovery and recycling obligations, or the certifying obligation);
 - (b) regulation 40(3) (breaching operator recovery and recycling obligations);
 - (c) regulation 40(4) (contravening requirements or conditions of accreditation);
 - (d) regulation 40(5) (false or misleading information);
 - (e) regulation 40(6) (failure to comply with notice requirements);
 - (f) regulation 40(8) (holding companies).

The Environmental Liability (Scotland) Regulations 2009

10. An offence under either of the following provisions of the Environmental Liability (Scotland) Regulations 2009(12)—

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- (8) [S.S.I. 2000/95](#), to which there are amendments not relevant to this Order.
- (9) [S.S.I. 2003/235](#), regulation 19 was amended by [S.S.I. 2003/343](#) and paragraph 8 of schedule 2 to the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8).
- (10) [S.S.I. 2003/531](#), regulation 11 was amended [S.S.I. 2006/133](#).
- (11) [S.I. 2007/871](#), to which there are amendments not relevant to this Order.
- (12) [S.S.I. 2009/266](#), to which there are amendments not relevant to this Order.

- (a) regulation 10(6) (failure by operator to take preventative measures, etc.);
- (b) regulation 12(5) (failure by operator to take remedial action, etc.).

The Water Environment (Controlled Activities) (Scotland) Regulations 2011

11. An offence under any of the following provisions of the Water Environment (Controlled Activities) (Scotland) Regulations 2011(**13**)—

- (a) regulation 44(1)(a) (breaching prohibition on unauthorised controlled activity);
- (b) regulation 44(1)(b) (failure to comply with a general binding rule);
- (c) regulation 44(1)(c) (failure to comply with a registration);
- (d) regulation 44(1)(d) (failure to comply with a water use licence);
- (e) regulation 44(1)(j) (failure to comply with an enforcement notice).

The Reservoirs (Scotland) Act 2011

12. An offence under any of the following provisions of the Reservoirs (Scotland) Act 2011(**14**)—

- (a) section 42(1)(d) (failure to comply with direction as to taking of safety measure in safety report);
- (b) section 52(1)(c) (failure to comply with direction as to taking of measure in inspection report);
- (c) section 52(1)(g) (failure to comply with notice of identification of thing which might affect the safety of the reservoir);
- (d) section 70(1) (failure to comply with enforcement notice).

The Pollution Prevention and Control (Scotland) Regulations 2012

13. An offence under any of the following provisions of the Pollution Prevention and Control (Scotland) Regulations 2012(**15**)—

- (a) regulation 67(1)(a) (contravention of permit requirements);
- (b) regulation 67(1)(b) (failure to comply with conditions of a permit);
- (c) regulation 67(1)(d) (failure to comply with an enforcement notice, suspension notice or closure notice);
- (d) regulation 67(1)(j) (failure to comply with a court order to remedy the offence).

The Regulatory Reform (Scotland) Act 2014

14. An offence under either of the following provisions of the Regulatory Reform (Scotland) Act 2014(**16**)—

- (a) section 40(1) (causing significant environmental harm etc.);
- (b) section 41(7) (failure to comply with remediation order).

(13) [S.S.I. 2011/209](#)

, to which there are amendments not relevant to this Order.

(14) [2011 asp 9](#)

(15) [S.S.I. 2012/360](#)

, to which there are amendments not relevant to this Order.

(16) [2014 asp 3](#)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
