



Alkali, &c. Works Regulation Act 1906

1906 CHAPTER 14 6 Edw 7

PART III S+N.I.

(V) S+N.I.

MISCELLANEOUS

28 Application to Scotland. U.K.

In the application of this Act to Scotland—

- (a) references to the Secretary for Scotland shall be substituted for references to the Local Government Board, and references to the Edinburgh Gazette shall be substituted for references to the London Gazette;
- (b) All offences under this Act shall be prosecuted and all fines under this Act shall be recovered under the provisions of [^{F1}the ^{M1}Criminal Procedure (Scotland) Act 1975]: Provided that the following regulations shall have effect with respect to the prosecution of, and the recovery of fines for, offences under this Act, ^{F2} . . . :—
 - (i) All prosecutions shall be brought before the sheriff, who may award expenses to either party, and, in default of immediate payment of the fine and expenses, may sentence the respondent to imprisonment for any period not exceeding six months;
 - (ii) A prosecution shall not be instituted ^{F3} . . . , except as respects a fine for the contravention of the provisions of this Act as to the registration of works, after the expiration of three months from the commission of the offence;
 - ^{F4}(iii)
 - (iv) The sheriff may, on the application of either party, appoint a person to take down in writing the evidence of the witnesses, and may award to that person such remuneration as he thinks just, and the amount so awarded shall be deemed to be expenses in the proceeding;

Changes to legislation: Alkali, &c. Works Regulation Act 1906, Section 28 is up to date with all changes known to be in force on or before 02 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(v) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriff;

(c) . . . ^{F5}

Textual Amendments

- F1** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 460\(2\)](#)
- F2** Words in s. 28(b)(i)(ii) and s. 28(b)(iii) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 1(9)(a), [Sch. 24](#) (with ss. 7(6), 115, 177); S.I. 1996/186, [art. 3](#)
- F3** Words in s. 28(b)(ii) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 1(9)(b), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)
- F4** S. 28(b)(iii) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 1(9)(c), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)
- F5** S. 28(c) repealed by [Control of Pollution Act 1974 \(c. 40\), Sch. 4](#)
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Modifications etc. (not altering text)

- C1** Functions of Secretary for Scotland now exercisable by Secretary of State: [Scottish Board of Health Act 1919 \(c. 20\), s. 4\(1\)\(d\)](#); [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. 1](#) and [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\), s. 1](#)
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Marginal Citations

- M1** 1975 c. 21.

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Commencement Orders yet to be applied to the Alkali, &c. Works Regulation Act 1906

Commencement Orders bringing legislation that affects this Act into force:

- [S.R. 2005/77 art. 2](#) commences ([S.I. 1997/2777 \(N.I.\)](#))