

Changes to legislation: Water Environment and Water Services (Scotland) Act 2003, Part 2 is up to date with all changes known to be in force on or before 04 August 2020. 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

SCHEDULE 2 CONTROLLED ACTIVITIES REGULATIONS: PARTICULAR PURPOSES

PART 2

SUPPLEMENTARY PROVISIONS

- 16 The regulations may provide for specified provisions of the regulations to have effect in relation only to—
- (a) specified controlled activities,
 - (b) the carrying on of controlled activities in specified circumstances, or
 - (c) the carrying on of controlled activities by specified persons or descriptions of persons.

Commencement Information

- I1** Sch. 2 para. 16 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 17 General binding rules may—
- (a) impose conditions or requirements,
 - (b) prescribe standards or objectives to be complied with or achieved,
 - (c) require standards or objectives specified in or under other enactments to be complied with or achieved.

Commencement Information

- I2** Sch. 2 para. 17 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 18 In connection with the imposition of conditions as mentioned in paragraph 5(6) the regulations may in particular provide—
- (a) for such conditions to be imposed in the light of any specified general principles and any directions or guidance given under the regulations,
 - (b) for such guidance to include guidance sanctioning reliance by a regulator on any arrangements referred to in the guidance to operate to secure a particular result as an alternative to imposing a condition,
 - (c) for such conditions to be imposed by reference to agreements between or among holders of licences as to the carrying on by them of the controlled activities authorised by the licences.

Commencement Information

- I3** Sch. 2 para. 18 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 19 The regulations may—
- (a) require any such scheme as is mentioned in paragraph 7 to be so framed that the fees and charges payable under the scheme—
 - (i) are determined in the light of any specified general principles and any directions or guidance given under the regulations,

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- (ii) are sufficient, taking one year with another, to cover such expenditure (whether or not incurred by the regulator to whom they are so payable) as is specified,
- (b) authorise any such scheme to make different provision for different cases (and specify particular kinds of such cases).

Commencement Information

I4 Sch. 2 para. 19 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 20 (1) The regulations may provide for any such offence as is mentioned in paragraph 12 to be triable—
- (a) only summarily,
 - (b) either summarily or on indictment.
- (2) The regulations may provide for such an offence to be punishable—
- (a) on summary conviction by—
 - (i) imprisonment for a term not exceeding such period as is specified (which must not exceed 6 months), or
 - (ii) a fine not exceeding such amount as is specified (which must not exceed [^{F1}£40,000]),
 or both,
 - (b) on conviction on indictment by—
 - (i) imprisonment for a term not exceeding such period as is specified (which must not exceed 5 years), or
 - (ii) a fine,
 or both.
- (3) The regulations may provide for continuing offences and for any such offences to be punishable by a daily or other periodic fine of such amount as is specified (in addition to any punishment provided for in pursuance of sub-paragraph (2)).
- (4) The Scottish Ministers may by order substitute for the sum for the time being specified in sub-paragraph (2)(a)(ii) such other sum as appears to them to be justified by a change in the value of money appearing to them to have taken place since the last occasion on which the sum was fixed.

Textual Amendments

F1 Word in Sch. 2 para. 20(2)(a)(ii) substituted (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), s. 145(2), [Sch. 2 para. 6](#); [S.S.I. 2004/420](#), [art. 3](#), [Sch. 1](#)

Commencement Information

I5 Sch. 2 para. 20 in force at 20.5.2005 by [S.S.I. 2005/256](#), [art. 2\(c\)](#)

- 21 In this schedule—
- “general binding rules” means rules specified in the regulations in pursuance of paragraph 3(2),

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“notification” means notification of a proposal to carry on a controlled activity in accordance with any provision made in the regulations in pursuance of paragraph 4(1),

“registration” means registration under any provision made in the regulations in pursuance of paragraph 3(4)(b),

“the regulations” means regulations under section 20,

“regulators” has the meaning given in paragraph 2(1),

“specified” means specified in the regulations,

“water use licence” means a licence granted under any provision made in the regulations in pursuance of paragraph 3(4)(a).

Commencement Information

I6 Sch. 2 para. 21 in force at 20.5.2005 by [S.S.I. 2005/256](#), **art. 2(c)**

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

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

- s. 23(5) inserted by [2014 asp 3 sch. 3 para. 8\(6\)\(b\)](#)
- s. 28A inserted by [S.S.I. 2019/26 reg. 2\(5\)](#)
- sch. 5 inserted by [S.S.I. 2019/26 reg. 2\(6\)](#)
- sch. 5 para. 19 word inserted in earlier amending provision [S.S.I. 2019/26, reg. 2\(6\)](#) by [S.S.I. 2019/175 reg. 8\(2\)](#)