



Reservoirs (Scotland) Act 2011

2011 asp 9

PART 2

PROTECTION OF THE WATER ENVIRONMENT – REMEDIAL AND RESTORATION MEASURES

109 Remedial and restoration measures regulations

- (1) In section 22 (remedial and restoration measures) of the Water Environment and Water Services (Scotland) Act 2003 (asp 3), in subsection (3), after paragraph (b) insert—
- “(c) for any of the purposes specified in paragraphs 1 to 3 of schedule 2A.
- (4) Paragraphs 4 and 5 of that schedule have effect for supplementing paragraphs 1 to 3.”.
- (2) After schedule 2 to that Act insert—

“SCHEDULE 2A
(introduced by section 22)

REMEDIAL AND RESTORATION MEASURES REGULATIONS: OFFENCES

Offences

- 1 Creating offences and dealing with matters relating to such offences, including—
 - (a) the provision of defences, and
 - (b) evidentiary matters.
- 2 Enabling, where a person has been convicted of an offence under the regulations, a court dealing with that person for the offence to order the taking of remedial action (in addition to or instead of imposing any punishment).
- 3 Making provision which, subject to any modification that the Scottish Ministers consider appropriate, corresponds or is similar to any provision

Status: This is the original version (as it was originally enacted).

made by section 157 or 158 of the Environmental Protection Act 1990 (c.43).

Supplementary

- 4 (1) The regulations may provide for any such offence as is mentioned in paragraph 1 to be triable—
- (a) only summarily,
 - (b) either summarily or on indictment.
- (2) The regulations may provide for such an offence which is triable only summarily to be punishable on conviction by—
- (a) imprisonment for a term not exceeding such period as is specified (which must not exceed 12 months), or
 - (b) a fine not exceeding such amount as is specified (which must not exceed level 5 on the standard scale),
- or both.
- (3) The regulations may provide for any such offence which is triable either summarily or on indictment to be punishable—
- (a) on summary conviction, by—
 - (i) imprisonment for a term not exceeding such period as is specified (which must not exceed 12 months), or
 - (ii) a fine not exceeding such amount as is specified (which must not exceed the statutory maximum),or both,
 - (b) on conviction on indictment by—
 - (i) imprisonment for a term not exceeding such period as is specified (which must not exceed 2 years), or
 - (ii) a fine,or both.

Interpretation

- 5 In this schedule—
- “the regulations” means regulations under section 22,
 - “specified” means specified in the regulations.”.