

SCHEDULE 2
PARTICULAR PURPOSES FOR WHICH
PROVISION MAY BE MADE UNDER SECTION 18

PART 1

LIST OF PURPOSES

Enforcement and offences

- 17 (1) Conferring functions on regulators with respect to compliance with, and enforcement of, the regulations.
- (2) Conferring power on regulators—
- (a) to arrange for preventive or remedial action to be taken at the expense of persons carrying on regulated activities,
 - (b) to require such persons to provide such financial security as the regulators making the arrangements consider appropriate pending the taking of the preventative or remedial action.
- (3) Authorising regulators to appoint suitable persons to exercise the functions mentioned in sub-paragraph (1) and the powers in sub-paragraph (2); and conferring powers (such as those specified in section 108(4) of the Environment Act 1995 (powers of entry, etc.)) on persons so appointed.
- (4) Regulating the procedure under which regulators may make arrangements, or impose requirements, such as are mentioned in sub-paragraph (2).

Commencement Information

II Sch. 2 para. 17 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

- 18 (1) Authorising regulators to serve on any persons carrying on regulated activities (whether or not the carrying on of those activities is authorised by or under the regulations) notices, including notices requiring such persons—
- (a) to notify the regulated activities being carried on by them,
 - (b) to take preventative or remedial action at their own expense, including such action in respect of contraventions (actual or potential) of authorisations, or conditions of authorisations, relating to the regulated activities,
 - (c) to provide such financial security as the regulators serving the notices consider appropriate pending the taking of preventative or remedial action required by virtue of paragraph (b),
 - (d) to take steps to remove imminent risks of serious adverse impacts on the environment (whether or not arising from any contraventions such as are mentioned in paragraph (b)),
 - (e) to stop the carrying on of regulated activities (whether or not the notice also requires the person to take such preventative or remedial action as may be specified in the notice).
- (2) Authorising regulators, where such notices are not complied with by persons on whom they are served—

Changes to legislation: There are currently no known outstanding effects for the Regulatory Reform (Scotland) Act 2014, Cross Heading: Enforcement and offences. (See end of Document for details)

- (a) to take, or arrange for the taking of, preventative or remedial action at the expense of those persons,
 - (b) to impose monetary penalties on those persons.
- (3) Authorising regulators who serve such notices to require the persons on whom the notice is served to pay the cost incurred by the regulators in relation to the service of the notice up to the time of its service.
- (4) Providing for the enforcement of such notices by civil proceedings.
- (5) Specifying a procedure under which monetary penalties such as are mentioned in sub-paragraph (2)(b) may be imposed.
- (6) Authorising regulators, where they are required by virtue of such a procedure to serve a notice, to require the person on whom the notice is served to pay the costs incurred by the regulators in relation to the service of the notice up to the time of its service.
- (7) Providing for the enforcement of such notices by civil proceedings.

Commencement Information

I2 Sch. 2 para. 18 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

- 19 Creating offences and dealing with matters relating to such offences, including—
- (a) the provision of defences, and
 - (b) evidentiary matters.

Commencement Information

I3 Sch. 2 para. 19 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

- 20 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).

Commencement Information

I4 Sch. 2 para. 20 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

Changes to legislation:

There are currently no known outstanding effects for the Regulatory Reform (Scotland) Act 2014, Cross Heading: Enforcement and offences.