
Changes to legislation: Regulatory Reform (Scotland) Act 2014, Cross Heading: Environment Act 1995 is up to date with all changes known to be in force on or before 01 April 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 3 MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 5

MISCELLANEOUS ENACTMENTS

Environment Act 1995

- 29 (1) The Environment Act 1995 is amended as follows.
- (2) In section 21 (transfer of functions to SEPA)—
- (a) in subsection (1)—
 - (i) paragraph (a)(i), (iii) and (iv) are repealed,
 - (ii) in paragraph (a)(ii), the words from “Part III” to “and” are repealed,
 - (iii) paragraphs (c), (d), (f) and (h) are repealed,
 - (b) in subsection (2), paragraph (b) is repealed.
- (3) Section 23 (functions of the staff commission established under section 12 of the Local Government etc. (Scotland) Act 1994) is repealed.
- (4) In section 56 (interpretation of Part 1), in subsection (1), in the definition of “disposal authority”, paragraph (b) is repealed.
- (5) In section 91 (interpretation of Part 4), in subsection (1), in the definition of “action plan”, for “84(2)(b)” substitute “ 84(2) ”.
- (6) In section 110 (offences)—
- (a) in subsection (1), after “to” insert “ assault, hinder or ”,
 - (b) in subsection (4)—
 - (i) in paragraph (a), after “of” where it second occurs insert “ assaulting, hindering or ”,
 - (ii) in sub-paragraph (i) of that paragraph, after “maximum” insert “ or to imprisonment for a term not exceeding 12 months, or to both ”,
 - (iii) in paragraph (b), for the words “level 5 on the standard scale” substitute “ the prescribed sum within the meaning of section 225(8) of the Criminal Procedure (Scotland) Act 1995 or to imprisonment for a term not exceeding 12 months, or to both ”,
 - (c) after subsection (5) insert—
 - “(5A) A person may be convicted of the offence under subsection (1) above of hindering or obstructing even though it is—
 - (a) effected by means other than physical means, or
 - (b) effected by action directed only at any vehicle, apparatus, equipment or other thing used or to be used by an authorised person.
 - (5B) Subsection (5C) applies where, in the trial of a person (“the accused”) charged in summary proceedings with an offence under subsection (1) above, the court—
 - (a) is not satisfied that the accused committed the offence, but

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- (b) is satisfied that the accused committed an offence under subsection (2) above.
- (5C) The court may acquit the accused of the charge and, instead, find the accused guilty of an offence under subsection (2) above.”.
- (7) In section 114 (power of the Scottish Ministers to delegate functions relating to appeals), subsections (2)(a)(i) and (3)(b) are repealed.
- (8) In Schedule 11 (air quality: supplemental provisions)—
- (a) in paragraph 1(1)(b), the words “or 84” are repealed,
 - (b) in paragraph 4(2)(b), the words “or 84” are repealed.
- (9) In schedule 20 (delegation of appellate functions of the Scottish Ministers), paragraph 4(3)(a) is repealed.
- (10) In Schedule 22 (minor and consequential amendments)—
- (a) paragraph 1 is repealed,
 - (b) in paragraph 29—
 - (i) in sub-paragraph (2), for the words from “section 30C(1)” to the end of that sub-paragraph, substitute “ section 51 ”,
 - (ii) sub-paragraphs (4)(b) to (e), (5), (6), (8), (9)(a) and (b), (10) to (15), (17) to (22), (25), (26), (29) and (30) are repealed,
 - (c) paragraph 93 is repealed,
 - (d) in paragraph 96, sub-paragraphs (2) to (5), (7) and (8) are repealed.
- (11) In Schedule 23 (transitional and transitory provisions and savings), the following paragraphs are repealed—
- (a) paragraph 4,
 - (b) paragraph 6,
 - (c) paragraph 8, and
 - (d) paragraph 18.

Commencement Information

II Sch. 3 para. 29 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

- 30 The amendments made by paragraph 29 to subsection (4) of section 110 of the Environment Act 1995 do not affect the penalty for an offence under that section committed before the coming into force of those amendments.

Commencement Information

I2 Sch. 3 para. 30 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

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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):

- Sch. 2 para. 3(4) inserted by [S.S.I. 2019/436 reg. 2\(3\)\(a\)\(ii\)](#)
- sch. 2 para. 22(1)(b)(2)-(4) substituted for Sch. 2 para. 22(1)(b)(2) by [S.S.I. 2019/436 reg. 2\(3\)\(b\)](#)