



# UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021

2021 asp 4

## PART 2

### ENVIRONMENT

#### CHAPTER 2

##### ENVIRONMENTAL GOVERNANCE

###### *Compliance notices*

### **33 Content of a compliance notice**

- (1) A compliance notice must include the following information—
- (a) a statement of the grounds for issuing the notice, including a statement of—
    - (i) the regulatory function of the public authority to which the alleged failure to comply with environmental law relates,
    - (ii) the provision of environmental law to which the alleged failure relates,
    - (iii) the alleged conduct which has caused Environmental Standards Scotland to conclude that the public authority is failing to comply with environmental law or has failed to comply with environmental law and the failure will likely continue or be repeated,
    - (iv) Environmental Standards Scotland's reasons for reaching that conclusion, and
    - (v) the environmental harm or risk of environmental harm being caused, or having been caused, by the alleged failure,
  - (b) details of the steps that Environmental Standards Scotland requires the public authority to take in order to address its failure to comply with environmental law (which may include steps designed to remedy or mitigate, or prevent any continuance or repeat of, the failure),

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**Changes to legislation:** There are currently no known outstanding effects for the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Section 33. (See end of Document for details)

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- (c) the date of issue of the notice,
  - (d) the period within which the required steps are to be taken,
  - (e) information about the person to whom, and as to how and by when, any representations about the notice may be made,
  - (f) information about the right to appeal, including the period within which an appeal may be made, and
  - (g) an explanation of the consequences of failure to comply with the requirements of the notice.
- (2) The reference in subsection (1)(d) to the period within which the required steps are to be taken is a reference to such period of not less than 28 days, beginning with the date on which the notice was issued, as Environmental Standards Scotland determines.

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**Commencement Information**

**II** S. 33 in force at 1.10.2021 by S.S.I. 2021/304, reg. 2(a)

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