



# Water Resources (Scotland) Act 2013

## 2013 asp 5

### PART 7

#### WATER SHORTAGE ORDERS

##### *Appeal and offence*

#### **43 Appeal against order**

- (1) A person who is aggrieved by a water shortage order may appeal to the sheriff against—
  - (a) the making of the order,
  - (b) the terms of the order.
- (2) An appeal under subsection (1) must be made—
  - (a) by way of summary application,
  - (b) within the period of 14 days beginning with the day on which notice of the order is published under paragraph 6 of schedule 1.
- (3) The sheriff may suspend the effect of the order (or of any part of it) pending the determination of the appeal.
- (4) In the appeal, the sheriff may—
  - (a) affirm the order,
  - (b) direct the Scottish Ministers to—
    - (i) amend the order in a specified manner,
    - (ii) revoke the order wholly or partly.
- (5) The sheriff's determination of the appeal is final, except on a point of law.

#### **Commencement Information**

**II** S. 43 in force at 10.6.2013 by [S.S.I. 2013/163](#), art. 3, [Sch.](#)

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*Changes to legislation: There are currently no known outstanding effects for the Water Resources (Scotland) Act 2013, Cross Heading: Appeal and offence. (See end of Document for details)*

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#### 44 Non-compliance offence

- (1) A relevant person commits an offence if the person, without reasonable excuse, fails to comply with—
  - (a) a water saving measure imposed by a water shortage order, or
  - (b) a restriction or prohibition on the abstraction of water imposed by such an order.
- (2) In subsection (1), “relevant person” means person who is, or ought to be, aware of the order.
- (3) A person who commits an offence under subsection (1) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine.

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#### Commencement Information

**I2** S. 44 in force at 10.6.2013 by [S.S.I. 2013/163](#), art. 3, [Sch.](#)

#### 45 Corporate offending

- (1) Subsection (2) applies where—
  - (a) an offence under section 44(1) is committed by a relevant organisation, and
  - (b) the commission of the offence involves the connivance or consent of, or is attributable to the neglect of, a responsible official of the organisation.
- (2) The responsible official (as well as the organisation) commits the offence.
- (3) “Relevant organisation” means—
  - (a) company,
  - (b) limited liability partnership,
  - (c) ordinary partnership,
  - (d) other body or association.
- (4) “Responsible official” means—
  - (a) in the case of a company, director, secretary, manager or similar officer,
  - (b) in the case of a limited liability partnership, member,
  - (c) in the case of an ordinary partnership, partner,
  - (d) in the case of another body or association, person who is concerned in the management or control of its affairs,
 but in each case also includes person purporting to act in such a capacity.

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#### Commencement Information

**I3** S. 45 in force at 10.6.2013 by [S.S.I. 2013/163](#), art. 3, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Resources (Scotland) Act 2013,  
Cross Heading: Appeal and offence.