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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2018 No.**

The Environmental Authorisations (Scotland) Regulations 2018

PART 15

Provisions relating to offences

**Power of court to order offence to be remedied**

75.—(1) If—

- (a) a person is convicted of an offence under regulation 69(1)(a) to (l) in respect of any regulated activity which has resulted in environmental harm; and
  - (b) it appears to the court that it is in the power of that person to mitigate or remedy that harm,
- the court may, in addition to or instead of imposing any punishment, order the person, within such time as may be fixed by the order of the court, to take such steps as may be specified in the order to remedy or mitigate the harm.
- (2) Before making such an order, the court must have regard to any representations by SEPA as to the steps required to remedy or mitigate the environmental harm.
- (3) The time fixed by an order of the court under paragraph (1) may be extended or further extended by a further order of the court on an application made before the end of the time originally fixed or extended under this paragraph, as the case may be.
- (4) Where a person is ordered under paragraph (1) to remedy any matter, the person is not liable under regulation 69 in respect of the matter if it continues during the time fixed by the order of the court or any further time allowed under paragraph (3).