

SCHEDULE 6

CONSEQUENTIAL AMENDMENTS

PART 2

Subordinate legislation

Environmental Regulation (Enforcement Measures) (Scotland) Order 2015

16.—(1) The Environmental Regulation (Enforcement Measures) (Scotland) Order 2015(1) is amended in accordance with sub-paragraphs (2) and (3).

(2) In schedule 4 (relevant offences and fixed penalty amounts), in the Table omit the rows which relate to—

- (a) section 32(1);
- (b) section 33(1), (2) and (3); and
- (c) section 34A(1) and (2),

of the Radioactive Substances Act 1993(2).

(3) In schedule 4, after the row “Regulation 41(5) (failing to produce a document or record)” insert the following rows to the Table—

“Environmental Authorisations (Scotland) Regulations 2018

Regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation))	YES	YES	YES	MEDIUM
Regulation 69(1)(b) (contravention of regulation 8)	YES	YES	YES	MEDIUM
Regulation 69(1)(c) (failure to comply with or contravention of a general binding rule)	YES	YES	YES	MEDIUM
Regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration)	YES	YES	YES	MEDIUM
Regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit)	YES	YES	YES	MEDIUM
Regulation 69(1)(f) (failure to comply with the requirements of a regulatory notice)	YES	YES	YES	MEDIUM
Regulation 69(1)(g) (failure to comply with the requirements of a revocation notice)	YES	YES	YES	MEDIUM
Regulation 69(1)(h) (failure to comply with an information notice)	YES	YES	YES	LOW
Regulation 69(1)(i) (failure to comply with an order of a court)	NO	NO	NO	
Regulation 69(1)(j) (making of a false, misleading or reckless statement)	YES	YES	YES	HIGH

(1) S.S.I. 2015/383.

(2) 1993 c.12.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Environmental Authorisations (Scotland) Regulations 2018 No. 219

Regulation 69(1)(k) (making a false entry)	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>HIGH</i>
Regulation 69(1)(l) (forging a document)	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>HIGH</i>
Regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the person caused or permitted a person to commit an offence—				
(a) under regulation 69(1)(a), (b), (c), (d), (e), (f) or (g)	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>MEDIUM</i>
(b) under regulation 69(1)(h)	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>LOW</i>
(c) under regulation 69(1)(j), (k), or (l).	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>HIGH</i> ".
