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SCHEDULES

SCHEDULE 19

Section 112.

OFFENCES RELATING TO FALSE OR MISLEADING STATEMENTS OR FALSE ENTRIES

The Control of Pollution Act 1974

- 1 (1) The ^{M1}Control of Pollution Act 1974 shall be amended in accordance with the following provisions of this paragraph.
- (2) For subsection (5) of section 34 (offences relating to consents for discharge of effluent etc) there shall be substituted—
- “(5) A person who, in an application for consent in pursuance of this section, makes any statement which he knows to be false or misleading in a material particular or recklessly makes any statement which is false or misleading in a material particular shall be guilty of an offence and shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”.

(3) For subsection (3) of section 93 (offences relating to power of authorities to obtain information) there shall be substituted—

“(3) A person who—

 - (a) fails without reasonable excuse to comply with the requirements of a notice served on him in pursuance of this section; or
 - (b) in furnishing any information in compliance with such a notice, makes any statement which he knows to be false or misleading in a material particular or recklessly makes any statement which is false or misleading in a material particular,

shall be guilty of an offence.

(3A) A person guilty of an offence under this section shall be liable—

 - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”.

Marginal Citations

M1 1974 c. 40.

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The Water (Scotland) Act 1980

- 2 (1) The ^{M2}Water (Scotland) Act 1980 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 93 (obtaining of information as to underground water) after subsection (7) there shall be inserted—
- “(8) Any person who in keeping a journal under subsection (1) or in furnishing information under subsection (2) or (3) makes any statement which he knows to be false or misleading in a material particular or recklessly makes any statement which is false or misleading in a material particular shall be guilty of an offence and shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”.
- (3) In section 94 (false information) after the word “Act” there shall be inserted the words “ (other than by or under section 93) ”.

Marginal Citations

M2 1980 c. 45.

The Control of Pollution (Amendment) Act 1989

- 3 In section 7(3)(b) of the ^{M3}Control of Pollution (Amendment) Act 1989 (offences of making false statements), after the word “false” in each place where it occurs there shall be inserted the words “ or misleading ”.

Marginal Citations

M3 1989 c. 14.

The Environmental Protection Act 1990

- 4 (1) For section 44 of the ^{M4}Environmental Protection Act 1990 (offences of making false statements) there shall be substituted—

“44 Offences of making false or misleading statements or false entries.

- (1) A person who—
- (a) in purported compliance with a requirement to furnish any information imposed by or under any provision of this Part, or
- (b) for the purpose of obtaining for himself or another any grant of a licence, any modification of the conditions of a licence, any acceptance of the surrender of a licence or any transfer of a licence,
- makes a statement which he knows to be false or misleading in a material particular, or recklessly makes any statement which is false or misleading in a material particular, commits an offence.

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- (2) A person who intentionally makes a false entry in any record required to be kept by virtue of a licence commits an offence.
- (3) A person who commits an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”
- (2) In section 71(3) of that Act, paragraph (b) (offence of making false or misleading statements) shall cease to have effect.

Marginal Citations

M4 1990 c. 43.

The Water Resources Act 1991

- 5 (1) Section 206 of the ^{M5}Water Resources Act 1991 (making of false statements etc) shall be amended in accordance with the following provisions of this paragraph.
- (2) For subsection (1), there shall be substituted—
- “(1) If, in furnishing any information or making any application under or for the purposes of any provision of this Act, any person makes a statement which he knows to be false or misleading in a material particular, or recklessly makes any statement which is false or misleading in a material particular, he shall be guilty of an offence under this section.”
- (3) Subsection (2) (which is superseded by the amendment made by sub-paragraph (2) above) shall be omitted.
- (4) After subsection (3) (offences relating to the use of meters in connection with licences under Chapter II of Part II) there shall be inserted—
- “(3A) If a person intentionally makes a false entry in any record required to be kept by virtue of a licence under Chapter II of Part II of this Act, or a consent under Chapter II of Part III of this Act, he shall be guilty of an offence under this section.”
- (5) For subsections (5) to (7) (which require consent to the prosecution of certain offences and provide different penalties for different offences) there shall be substituted—
- “(5) A person who is guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”

Marginal Citations

M5 1991 c. 57.

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The Radioactive Substances Act 1993

- 6 [F1 After section 34 of the M6 Radioactive Substances Act 1993 (offences relating to disclosure of information about trade secrets etc) there shall be inserted—

“ **Offences of making false or misleading statements or false entries.**

(1) Any person who—

- (a) for the purpose of obtaining for himself or another any registration under section 7 or 10, any authorisation under section 13 or 14 or any variation of such an authorisation under section 17, or
- (b) in purported compliance with a requirement to furnish information imposed under section 31(1)(d),

makes a statement which he knows to be false or misleading in a material particular, or recklessly makes a statement which is false or misleading in a material particular, shall be guilty of an offence.

(2) Any person who intentionally makes a false entry in any record—

- (a) which is required to be kept by virtue of a registration under section 7 or 10 or an authorisation under section 13 or 14, or
- (b) which is kept in purported compliance with a condition which must be complied with if a person is to have the benefit of an exemption under section 8, 11 or 15,

shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”]

Textual Amendments

F1 Sch. 19 para. 6 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, [sch. 7 para. 1](#) (with reg. 78, sch. 5 para. 2)

Marginal Citations

M6 1993 c. 12.

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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):

- s. 41(1)(s) inserted by [2021 c. 30 s. 57\(8\)](#)
- s. 80(8) inserted by [2024 asc 2 s. 12\(1\)](#)
- s. 80(9)(10) inserted by [2024 asc 2 s. 13](#)
- s. 81B inserted by [2024 asc 2 s. 14\(1\)](#)
- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- s. 87(2)(o)(i) words in s. 87(2)(o) renumbered as s. 87(2)(o)(i) by [2024 asc 2 s. 24\(2\)\(a\)\(i\)](#)
- s. 87(2)(o)(ii) and word inserted by [2024 asc 2 s. 24\(2\)\(a\)\(ii\)](#)
- s. 87(2B) inserted by [2024 asc 2 s. 24\(2\)\(b\)](#)
- s. 87(7A)(7B) inserted by [2024 asc 2 s. 15](#)
- s. 87(9A) inserted by [2024 asc 2 s. 12\(2\)](#)
- s. 88(4)(5) inserted by [2024 asc 2 s. 14\(3\)\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)