



# Regulatory Reform (Scotland) Act 2014

## 2014 asp 3

### REGULATORY REFORM (SCOTLAND) ACT 2014

#### **PART 1**

##### REGULATORY FUNCTIONS

###### *Regulations to encourage or improve regulatory consistency*

- 1 Power as respects consistency in regulatory functions
- 2 Regulations under section 1: further provision

###### *Compliance and enforcement*

- 3 Regulations under section 1: compliance and enforcement

###### *Exercise of regulatory functions: economic duty and code of practice*

- 4 Regulators' duty in respect of sustainable economic growth
- 5 Code of practice
- 6 Code of practice: procedure

###### *Power to modify list of regulators*

- 7 Power to modify schedule 1

#### **PART 2**

##### PRIMARY AUTHORITIES

- 8 Scope of Part 2
- 9 Meaning of "relevant function"
- 10 Nomination of primary authorities
- 11 Nomination of primary authorities: conditions and registers
- 12 Primary authorities: power to make further provision
- 13 Advice and guidance
- 14 Power to charge
- 15 Guidance

### **PART 3**

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###### **REGULATIONS FOR PROTECTING AND IMPROVING THE ENVIRONMENT**

- 16 General purpose: protecting and improving the environment
- 17 Meaning of expressions used in section 16 and schedule 2
- 18 Regulations relating to protecting and improving the environment
- 19 Regulations relating to protecting and improving the environment: consultation

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- 20 Fixed monetary penalties
- 21 Fixed monetary penalties: procedure
- 22 Fixed monetary penalties: effect on criminal proceedings etc.

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- 23 Variable monetary penalties
- 24 Variable monetary penalties: procedure
- 25 Variable monetary penalties: effect on criminal proceedings etc.

###### *Non-compliance penalties*

- 26 Undertakings under section 24: non-compliance penalties

###### *Enforcement undertakings*

- 27 Enforcement undertakings

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- 28 Combination of sanctions
- 29 Monetary penalties
- 30 Costs recovery

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- 31 Guidance as to use of enforcement measures

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- 32 Publication of enforcement action

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- 33 Interpretation of Chapter 2

### CHAPTER 3

#### COURT POWERS

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- 34 Compensation orders against persons convicted of relevant offences

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- 35 Fines for relevant offences: court to consider financial benefits

##### *Publicity orders*

- 36 Power to order conviction etc. for offence to be publicised  
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- 38 Vicarious liability for certain offences by employees and agents  
39 Liability where activity carried out by arrangement with another

##### *Offence relating to significant environmental harm*

- 40 Significant environmental harm: offence  
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- 43 Offences relating to supply of carrier bags: fixed penalty notices

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- 44 Orders under sections 36 and 41: prosecutor's right of appeal

##### *Contaminated land and special sites*

- 45 Contaminated land and special sites

##### *Amendment of powers under section 108 of Environment Act 1995*

- 46 Amendment of powers under section 108 of Environment Act 1995

##### *Authorisations relating to waste management: offences by partnerships*

- 47 Carriers of controlled waste: offences by partnerships affecting registration  
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##### *Air quality assessments*

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*Smoke control areas: fuels and fireplaces*

- 50 Smoke control areas: authorised fuels and exempt fireplaces

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**PART 4**

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- 54 Marine licence applications etc.: proceedings to question validity of decisions

*Planning authorities’ functions: charges and fees*

- 55 Planning authorities’ functions: charges and fees

*Street traders’ licences*

- 56 Application for street trader’s licence: food businesses

**PART 5**

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- 57 Consequential modifications and repeals  
58 Subordinate legislation  
59 Ancillary provision  
60 Crown application  
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- 1 Environmental activities  
2 Emissions  
3 Regulators  
4 Regulation of activities  
5 Permits

- 6 (1) Prescribing the form and content of permits.
- 7 (1) Requiring permits, or the conditions to which permits are...
- 8 (1) Regulating the transfer and surrender of permits.
- 9 (1) Authorising, or authorising the Scottish Ministers to make schemes...
- 10 Registration
- 11 Provisions common to permits and registration
- 12 Notification of regulated activities
- 13 Charging schemes
- 14 Information, publicity and consultation
- 15 Securing that— (a) publicity is given to specified matters,
- 16 Requiring or authorising regulators to carry out consultation in connection...
- 17 Enforcement and offences
- 18 (1) Authorising regulators to serve on any persons carrying on...
- 19 Creating offences and dealing with matters relating to such offences,...
- 20 Enabling, where a person has been convicted of an offence...
- 21 Appeals
- 22 General
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- 23 Particular types of regulated activity
- 24 Emissions trading scheme
- 25 General binding rules
- 26 Determination of matters by regulators
- 27 Determination of rules and imposition of conditions
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- 29 Fit and proper persons
- 30 Power to specify EU instruments for the purposes of paragraph 22
- 31 Offences
- 32 Service of notices
- 33 Powers exercisable in the regulations
- 34 Interpretation

### SCHEDULE 3 — MINOR AND CONSEQUENTIAL MODIFICATIONS

#### PART 1 — REGULATION OF ENVIRONMENTAL ACTIVITIES ETC.

- 1 Sewerage (Scotland) Act 1968
- 2 Prevention of Oil Pollution Act 1971
- 3 Environmental Protection Act 1990
- 4 Clean Air Act 1993
- 5 Environment Act 1995
- 6 Merchant Shipping Act 1995
- 7 Pollution Prevention and Control Act 1999
- 8 Water Environment and Water Services (Scotland) Act 2003
- 9 Water Services etc. (Scotland) Act 2005
- 10 Water Resources (Scotland) Act 2013

#### PART 2 — ENFORCEMENT OF REGULATIONS ON ENVIRONMENTAL ACTIVITIES ETC.

- 11 Environmental Protection Act 1990
- 12 Criminal Procedure (Scotland) Act 1995
- 13 Reservoirs (Scotland) Act 2011

#### PART 3 — PURPOSES OF SEPA

- 14 Environment Act 1995
- 15 Water Industry (Scotland) Act 2002

#### PART 4 — CONTROL OF POLLUTION ACT 1974

*Status: This is the original version (as it was originally enacted).*

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- 16 (1) The Control of Pollution Act 1974 is amended as...  
PART 5 — MISCELLANEOUS ENACTMENTS
- 17 Scottish Board of Health Act 1919  
18 Local Government (Scotland) Act 1973  
19 Local Government, Planning and Land Act 1980  
20 Litter Act 1983  
21 Water Act 1989  
22 Planning (Consequential Provisions) Act 1990  
23 Environmental Protection Act 1990  
24 Natural Heritage (Scotland) Act 1991  
25 Agricultural Holdings (Scotland) Act 1991  
26 Clean Air Act 1993  
27 Radioactive Substances Act 1993  
28 Local Government etc. (Scotland) Act 1994  
29 Environment Act 1995  
30 The amendments made by paragraph 29 to subsection (4) of...  
31 Criminal Procedure (Scotland) Act 1995  
32 Town and Country Planning (Scotland) Act 1997  
33 Planning (Consequential Provisions) (Scotland) Act 1997  
34 Crime and Punishment (Scotland) Act 1997  
35 City of Edinburgh (Guided Busways) Order Confirmation Act 1998  
36 Pollution Prevention and Control Act 1999  
37 Antisocial Behaviour etc. (Scotland) Act 2004  
38 Forth Crossing Act 2011  
PART 6 — MODIFICATIONS OF REFERENCES TO “ENACTMENT”  
ETC.
- 39 Control of Pollution Act 1974  
40 Environmental Protection Act 1990  
41 Natural Heritage (Scotland) Act 1991  
42 Radioactive Substances Act 1993  
43 Environment Act 1995  
44 Flood Risk Management (Scotland) Act 2009