



# Regulatory Reform (Scotland) Act 2014

## 2014 asp 3

### PART 3

#### ENVIRONMENTAL REGULATION

#### CHAPTER 2

#### SEPA'S POWERS OF ENFORCEMENT

##### *Variable monetary penalties*

#### **25 Variable monetary penalties: effect on criminal proceedings etc.**

- (1) Provision under section 23 must secure the result in subsection (2) in a case where—
  - (a) either—
    - (i) a variable monetary penalty is imposed on a person, or
    - (ii) an undertaking referred to in section 24(5) is accepted from a person, or
  - (b) both such a penalty is imposed on, and such an undertaking is accepted from, a person.
- (2) The result is that no criminal proceedings may be commenced against the person for an offence constituted by an act or omission if the variable monetary penalty or, as the case may be, the undertaking related to that offence constituted by that act or omission.
- (3) Provision under section 23 must provide that the period mentioned in subsection (4) is not to be counted in calculating any period within which criminal proceedings in respect of an act or omission in relation to which a notice of intent under section 24(2) (a) is served must be commenced.
- (4) The period is that beginning with the day on which the notice of intent is served and ending with the day which is the final day on which written representations may be made in relation to the notice.
- (5) The reference in subsection (2) to criminal proceedings being commenced is to be read as if it included a reference to—

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**Status:** *This is the original version (as it was originally enacted).*

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- (a) a warning being given by the procurator fiscal,
- (b) a conditional offer (within the meaning of section 302 of the Criminal Procedure (Scotland) Act 1995) being sent,
- (c) a compensation offer under section 302A of that Act being sent,
- (d) a combined offer under section 302B of that Act being sent, and
- (e) a work order under section 302ZA of that Act being made.