



Environment Act 1995

1995 CHAPTER 25

PART V

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Evidence

111 Evidence in connection with certain pollution offences.

^{F1}(1)

(2) Information provided or obtained pursuant to or by virtue of a condition of a relevant licence (including information so provided or obtained, or recorded, by means of any apparatus) shall be admissible in evidence in any proceedings, whether against the person subject to the condition or any other person.

(3) For the purposes of subsection (2) above, apparatus shall be presumed in any proceedings to register or record accurately, unless the contrary is shown or the relevant licence otherwise provides.

(4) Where—

- (a) by virtue of a condition of a relevant licence, an entry is required to be made in any record as to the observance of any condition of the relevant licence, and
- (b) the entry has not been made,

that fact shall be admissible in any proceedings as evidence that that condition has not been observed.

(5) In this section—

“apparatus” includes any meter or other device for measuring, assessing, determining, recording or enabling to be recorded, the volume, temperature, radioactivity, rate, nature, origin, composition or effect of any substance, flow, discharge, emission, deposit or abstraction;

“condition of a relevant licence” includes any requirement to which a person is subject under, by virtue of or in consequence of a relevant licence;

Status: Point in time view as at 22/07/2004.

Changes to legislation: Environment Act 1995, Cross Heading: Evidence is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“environmental licence” has the same meaning as it has in Part I above as it applies in relation to the Agency or SEPA, as the case may be;

“relevant licence” means—

- (a) any environmental licence;
 - (b) any consent under Part II of the ^{M1}Sewerage (Scotland) Act 1968 to make discharges of trade effluent;
 - (c) any agreement under section 37 of that Act with respect to, or to any matter connected with, the reception, treatment or disposal of such effluent;
 - (d) any consent under Chapter III of Part IV of the ^{M2}Water Industry Act 1991 to make discharges of special category effluent; or
 - (e) any agreement under section 129 of that Act with respect to, or to any matter connected with, the reception or disposal of such effluent.
- (6) In section 25 of the Environmental Protection Act, after subsection (2) (which makes similar provision to subsection (4) above) there shall be inserted—

“(3) Subsection (2) above shall not have effect in relation to any entry required to be made in any record by virtue of a condition of a relevant licence, within the meaning of section 111 of the Environment Act 1995 (which makes corresponding provision in relation to such licences).”

Textual Amendments

F1 S. 111(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

Marginal Citations

M1 1968 c. 47.

M2 1991 c. 56.

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