
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

The Water Environment (Controlled Activities) (Scotland) Regulations 2011

PART VII

Offences

Defence to principal offences

- 48.** A person will not be guilty of an offence under regulation 44(1)(a) to (d), (j) or (o) if—
- (a) the contravention is a result of—
 - (i) an accident which could not reasonably have been foreseen;
 - (ii) natural causes or *force majeure* which are exceptional or could not reasonably have been foreseen; or
 - (iii) an act or omission by a category 1 or 2 responder that is reasonably necessary to protect people, property or the environment from imminent risk of serious harm;
 - (b) all practicable steps are taken to prevent deterioration of the water environment—
 - (c) all practicable steps are taken as soon as is reasonably practicable to restore the water environment to its condition prior to the contravention; and
 - (d) particulars of the contravention are furnished to SEPA as soon as practicable after it occurs.