

## SCHEDULE 6

### CONSEQUENTIAL AMENDMENTS

#### PART 2

##### Subordinate legislation

#### **Environmental Regulation (Relevant Offences) (Scotland) Order 2014**

**14.**—(1) The Environmental Regulation (Relevant Offences) (Scotland) Order 2014<sup>(1)</sup> is amended in accordance with sub-paragraphs (2) to (5).

(2) In schedule 1 (relevant offences for the purposes of section 34 of the Regulatory Reform (Scotland) Act 2014 (compensation orders against persons convicted of relevant offences))—

- (a) omit paragraph 3; and
- (b) after paragraph 14 insert—

“**15.** An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

- (a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));
- (b) regulation 69(1)(b) (contravention of regulation 8);
- (c) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);
- (d) regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration);
- (e) regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit);
- (f) regulation 69(1)(f) (failure to comply with the requirements of a regulatory notice);
- (g) regulation 69(1)(g) (failure to comply with the requirements of a revocation notice);
- (h) regulation 69(1)(i) (failure to comply with an order of a court); and
- (i) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.”

(3) In schedule 2 (relevant offences for the purposes of section 35 of the Regulatory Reform (Scotland) Act 2014 (fines: courts to consider financial benefits))—

- (a) omit paragraph 5; and
- (b) after paragraph 26 insert—

“**27.** An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

- (a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));

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(1) [S.S.I. 2014/319](#).

*Status: This is the original version (as it was originally made).*

- (b) regulation 69(1)(b) (contravention of regulation 8);
- (c) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);
- (d) regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration);
- (e) regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit);
- (f) regulation 69(1)(f) (failure to comply with the requirements of a regulatory notice);
- (g) regulation 69(1)(g) (failure to comply with the requirements of a revocation notice);
- (h) regulation 69(1)(h) (failure to comply with an information notice without reasonable excuse);
- (i) regulation 69(1)(i) (failure to comply with an order by a court);
- (j) regulation 69(1)(j) (making a false, misleading or reckless statement);
- (k) regulation 69(1)(k) (making a false entry);
- (l) regulation 69(1)(l) (forging a document); and
- (m) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.”.

(4) In schedule 3 (relevant offences for the purposes of section 36 of the Regulatory Reform (Scotland) Act 2014 (power to order conviction etc. for offence to be publicised))—

- (a) omit paragraph 3; and
- (b) after paragraph 14, insert—

“15. An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

- (a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));
- (b) regulation 69(1)(b) (contravention of regulation 8);
- (c) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);
- (d) regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration);
- (e) regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit);
- (f) regulation 69(1)(f) (failure to comply with the requirements of a regulatory notice);
- (g) regulation 69(1)(g) (failure to comply with the requirements of a revocation notice);
- (h) regulation 69(1)(i) (failure to comply with an order by a court);
- (i) regulation 69(1)(j) (making a false, misleading or reckless statement);
- (j) regulation 69(1)(k) (making a false entry);
- (l) regulation 69(1)(l) (forging a document); and

(m) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.”.

(5) In schedule 4 (relevant offences for the purposes of sections 38 and 39 of the Regulatory Reform (Scotland) Act 2014 (vicarious liability and liability where activity carried out by arrangement with another)), after paragraph 9 insert—

“**10.** An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

- (a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));
- (b) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);
- (c) regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration);
- (d) regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit);
- (e) regulation 69(1)(j) (making a false, misleading or reckless statement);
- (f) regulation 69(1)(k) (making a false entry);
- (g) regulation 69(1)(l) (forging a document); and
- (h) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.”.