
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Reservoirs (Scotland) Act 2011 (Restrictions on Disclosure of Information in relation to National Security etc.) Order 2015

Offences

11.—(1) Any person on whom a non-publication notice is served under article 8(1) commits an offence if the person, without reasonable excuse, fails to comply with—

- (a) a requirement of the notice; or
- (b) article 9, in so far as that article applies in relation to the notice.

(2) A person who commits an offence under paragraph (1) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a term of imprisonment not exceeding 2 years or a fine (or both).

(3) If section 85(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012⁽¹⁾ is in force on the day on which this Order is made, sub-paragraph (a) of paragraph (2) is to be read, in its application to England and Wales, as if the words “not exceeding the statutory maximum” were omitted.

(4) A person does not commit an offence under paragraph (1) if the person fails to comply with a requirement of the notice or article 9 in order to comply with any duty imposed on the person by virtue of—

- (a) the Environmental Information (Scotland) Regulations 2004;
- (b) the Freedom of Information (Scotland) Act 2002;
- (c) a constable acting in the course of the constable’s duties; or
- (d) an order of a court of competent jurisdiction.