

Status: Point in time view as at 31/05/1991.

Changes to legislation: Control of Pollution Act 1974, SCHEDULE 2 is up to date with all changes known to be in force on or before 19 June 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)

SCHEDULES

SCHEDULE 2

Section 99.

ALTERATION OF PENALTIES

The^{M1}Public Health (Scotland) Act 1897

Marginal Citations

M1 1897 c. 38.

- 1 In section 22 of the Public Health (Scotland) Act 1897 (under which a fine not exceeding £20 may be imposed for a nuisance arising from wilful fault or culpable negligence) for the word “£20” there shall be substituted the word “£100”.
- 2 In section 24 of that Act (which penalises failure to comply with decree and knowing infringement of interdict relating to nuisances under section 16, including nuisances under subsections (6) and (8) of that section arising from the conduct of factories and businesses)—
 - (a) for the words “£2” and “£5” there shall be substituted the words “£10” and “£20” respectively;
 - (b) for the words from “£20” to “two hundred pounds” there shall be substituted the words “£400 and to a further fine not exceeding £50 for every day on which the offence continues after conviction therefor”.
- 3 In section 36(1) of that Act (which provides for a penalty not exceeding £50 for nuisance arising from offensive trade), for the words “fifty pounds” there shall be substituted the word “£200”.

The^{M2}Alkali, &c. Works Regulation Act 1906

Marginal Citations

M2 1906 c. 14.

- 4 In section 12(4) of the Alkali Act (under which obstruction of an inspector is punishable on summary conviction by a fine not exceeding £10) for the words “ten pounds” there shall be substituted the word “£100”.
- 5 In section 16A of that Act (which provides for certain offences under other provisions of that Act to be punishable on summary conviction by a fine not exceeding £100 or £20 a day in the case of certain continuing offences) for the words

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“one hundred pounds” in both places where they occur there shall be substituted the word “£400” and for the words “twenty pounds” there shall be substituted the word “£50”.

The ^{M3}Public Health Act 1936

Marginal Citations

M3 1936 c. 49.

- 6 In section 19(3) of the Public Health Act 1936 (under which a person is liable on summary conviction to a fine not exceeding £50 if he constructs a drain or sewer in a manner other than that in which he is required to construct it by a local authority in pursuance of that section) for the words “fifty pounds” there shall be substituted the word “£200”.
- 7 In section 27 of that Act (which provides that certain matters are not to be passed into public sewers), in subsection (2) (under which a contravention of that section is punishable on summary conviction by a fine not exceeding £10 and a further £5 for each day on which the offence continues after conviction) for the, words from “to a fine” onwards there shall be substituted the words—
- “(a) on summary conviction, to a fine not exceeding £400 and to a further fine not exceeding £50 for each day on which the offence continues after conviction therefor;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both”.
- 8 In section 34(5) of that Act (under which a person who causes a drain or sewer to connect with a public sewer in contravention of that section is liable on summary conviction to a fine not exceeding £20) for the words “twenty pounds” there shall be substituted the word “£200”.
- 9 In section 36(1) of that Act (under which a person who causes a drain or sewer to communicate with a public sewer after the local authority have given notice that they intend themselves to make the connection is liable on summary conviction to a fine not exceeding £50) for the words “fifty pounds” there shall be substituted the word “£200”.
- [^{F1}10 In section 41(3) of that Act (under which a person is liable upon summary conviction to a fine not exceeding £5 if he does certain work in connection with an underground drain which communicates with a sewer without giving 24 hours notice to the relevant local authority of his intention to do so or if he does not permit an authorised officer of the local authority free access to the work) for the words “five pounds” there shall be substituted the word “£200”.]

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Textual Amendments

F1 Sch. 2 para. 10 repealed (E.W.) by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), [Sch. 7](#)

[^{F2}11 In section 94(2) of that Act (under which a person who fails to abate a nuisance or to take adequate steps to prevent a recurrence of a nuisance is liable on summary conviction to a fine not exceeding £20) for the word “£20” there shall be substituted the word “£200”]

Textual Amendments

F2 Sch. 2 para. 11 repealed (E.W.)(N.I.) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(2), [Sch. 16 Pt. III](#)

[^{F3}12 In section 95(1) of that Act (under which a person who contravenes or fails to comply with a nuisance order is liable on summary conviction to a fine not exceeding £50 and a further £5 for each day on which the offence continues after conviction) for the words “£50” and “£5” there shall be substituted the words “£400” and “£50” respectively]

Textual Amendments

F3 Sch. 2 para. 12 repealed (E.W.)(N.I.) by [Environmental Protection Act](#)

The ^{M4}Public Health (Drainage of Trade Premises Act 1937

Marginal Citations

M4 [1937 c. 40.](#)

[^{F4}13 In section 2 of the Public Health (Drainage of Trade Premises) Act 1937 (under which restrictions are imposed on the discharge of trade effluent), in subsection (5) (under which an occupier of premises is guilty of an offence if trade effluent is discharged in contravention of the section or without any consent necessary for the purposes of the Act or if any direction or condition given or imposed under that section is contravened) after the words “guilty of an offence” there shall be inserted the words “and liable on summary conviction to a fine not exceeding £200 and to a further fine not exceeding £50 for every day on which the offence continues after conviction therefor.”]

Textual Amendments

F4 Sch. 2 para. 13 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2) (4), 163, 189(4)-(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), [Sch. 27 Pt. I](#)

14 In section 9 of that Act (under which a person who fails to give specified information to a water authority is liable on summary conviction to a fine not exceeding £5 and a further £2 for each day on which the offence continues

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after conviction) for the words “five pounds” and “forty shillings” there shall be substituted the words “£50” and “£5” respectively.

The ^{M5}Water Act 1945

Marginal Citations

M5 1945 c. 42 (8 & 9 Geo. 6).

15 In section 19(3) of the Water Act 1945 (under which byelaws made under section 17 of that Act or section 22(6) of the Countryside Act 1968 may contain provision making any person who contravenes the byelaws liable to a fine not exceeding £20 and a further £5 for each day during which the offence continues after conviction) for the words “twenty pounds” and “five pounds” there shall be substituted the words “£400” and “£50” respectively.

16 In section 21 of that Act (under which a person is guilty of an offence if he is guilty of any act or neglect whereby any spring, well, borehole or adit the water from which is used or likely to be used for human consumption or domestic purposes or for manufacturing food or drink for human consumption is polluted or likely to be polluted) after subsection (2) there shall be inserted the following subsection—

“(3) Any person guilty of an offence by virtue of this section shall be liable in respect of each offence—

- (a) on summary conviction to a fine not exceeding £400 and in the case of a continuing offence to a further fine not exceeding £50 for every day during which the offence is continued after conviction ;
- (b) on conviction on indictment. to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment.”

17, 18. ^{F5}

Textual Amendments

F5 Sch. 2 paras 17, 18 repealed by [Water \(Scotland\) Act 1980 \(c. 45\)](#), **Sch. 11**

The ^{M6}Clean Air Act 1956

Marginal Citations

M6 1956 c. 52.

19 (1) In subsection (1) of section 27 of the Clean Air Act 1956 (under which a person is on summary conviction liable in respect of an emission of dark smoke from a building to a fine not exceeding £20 in the case of an emission from a private dwelling and not exceeding £100 in the case of other emissions) for the word “£20” there shall be substituted the word “£100” and for the words “one hundred pounds” there shall be

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substituted the words “£400 or, in the case of an offence under that section as applied to vessels by section 20 of this Act, £1,000”.

- (2) in subsection (2) of that section (under which a person who fails to notify the local authority of the installation of a furnace or who occupies a building in a smoke control area from which smoke is emitted is liable on summary conviction to a fine not exceeding £20) for the word “£20” there shall be substituted the word “£100”.
- (3) In subsection (3) of that section (under which a person who unlawfully discloses information furnished or obtained under that Act is liable on summary conviction to a fine not exceeding £100 and to imprisonment for a term not exceeding three months) for the words from “one hundred pounds” onwards there shall be substituted the word “£400”.
- (4) In subsection (4) of that section (under which a person who is guilty of any other offence under that Act is liable on summary conviction to a fine not exceeding £100) for the words “one hundred pounds” in both places where they occur there shall be substituted the word “£400” and for the words “twenty pounds” there shall be substituted the word “£50”.

The ^{M7}Radioactive Substances Act 1960

Marginal Citations

M7 1960 c. 34.

- 20
- (1) In subsection (2) of section 13 of the Radioactive Substances Act 1960 (which provides among other things that a person who keeps radioactive material or mobile radioactive apparatus or who disposes of or accumulates radioactive waste contrary to the provisions of the Act shall be liable on summary conviction to a fine not exceeding £100 and to imprisonment for a term not exceeding three months) for the words “one hundred pounds” there shall be substituted the word “£400”.
 - (2) In subsection (4) of that section (under which a person who unlawfully discloses information furnished or obtained under that Act is liable on summary conviction to a fine not exceeding £50 and to imprisonment for a term not exceeding three months) for the words “fifty pounds” there shall be substituted the word “£400”.
 - (3) In subsection (5) of that section (under which a person who fails to exhibit a certificate of registration or an authorisation or who obstructs an inspector or fails to provide information is liable on summary conviction to a fine not exceeding £50 and to imprisonment for a term not exceeding three months) for the words from “fifty pounds” onwards there shall be substituted the words “£100 and on conviction on indictment to a fine”.
 - (4) In subsection (6) of that section (under which a person who pulls down or defaces a certificate or authorisation is liable on summary conviction to a fine not exceeding £10) for the words “ten pounds” there shall be substituted the word “£20”.

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The ^{M8}Sewerage (Scotland) Act 1968

Marginal Citations

M8 1968 c. 47.

- 21 In section 12(8) of the Sewerage (Scotland) Act 1968 (under which a person is liable on summary conviction to a fine not exceeding £25 if he connects a drain or sewer otherwise than in accordance with that section) for the word “£25” there shall be substituted the word “£200”.
- 22 In section 14(6) of that Act (under which a person is liable on summary conviction to a fine not exceeding £25 if he constructs a drain, sewer or sewage treatment works otherwise than in accordance with a direction under that section by a local authority) for the word “£25” there shall be substituted the word “£200”.
- 23 In section 24(2) of that Act (under which an occupier of trade premises who discharges trade effluent into sewers etc. without the consent of, or contrary to a direction given by or condition imposed by, the local authority is liable on summary conviction to a fine not exceeding £50 and a further fine not exceeding £20 for each day on which the offence continues after conviction) for the words “£50” and “£20” there shall be substituted the words “£200” and “£50” respectively.
- 24 In section 45(2) of that Act (under which a person who fails to give specified information to a local authority is liable on summary conviction to a fine not exceeding £20) for the word “£20” there shall be substituted the word “£50”.
- 25 In section 46 of that Act (which provides that certain matters are not to be passed into public sewers), in subsection (2) (under which a contravention of that section is punishable on summary conviction by a fine not exceeding £20 and a further fine not exceeding £10 for each day on which the offence continues after conviction)—
- (a) for the words “£20” and “£10” there shall be substituted the words “£400” and “£50” respectively and
 - (b) there shall be added at the end the words “and on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment”.

The ^{M9}Clean Air Act 1968

Marginal Citations

M9 1968 c. 62.

- 26 In the following provisions of the Clean Air Act 1968 (which provide that a person who commits an offence mentioned in any of those provisions is liable on summary conviction to a fine not exceeding £100), namely—
- (a) section 1(1) (which prohibits the emission of dark smoke from any industrial or trade premises);
 - (b) section 2(2) (which penalises the emission of grit or dust, from a chimney serving a furnace to which the section applies, at a rate exceeding a prescribed limit);

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- (c) section 2(4) (which penalises a failure to use any practicable means of minimising the emission of grit or dust from a chimney for which no limit is prescribed);
- (d) section 3(3) (which penalises the use of certain furnaces which are not fitted with appropriate plant for arresting grit and dust);
- (e) section 4(7) (which penalises the use for certain purposes of furnaces which are exempt from the operation of section 3(1) of that Act); and
- (f) section 6(1) and (2) (which penalise the use of certain furnaces unless they are served by chimneys of approved heights and any conditions of the approvals are complied with),

for the word “£100” there shall be substituted the word “£400”

- 27 In section 9(1) of that Act (under which a person who acquires or sells by retail any unauthorised solid fuel for use in a smoke control area is liable on summary conviction to a fine not exceeding £20) for the word “£20” there shall be substituted the word “£100”.

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