



Water (Scotland) Act 1980

1980 CHAPTER 45

PART VI

CONSERVATION AND PROTECTION OF WATER RESOURCES

75 Penalty for polluting water.

- (1) If any person is guilty of any act or neglect whereby any spring, well 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, he shall be guilty of an offence.
- (2) Nothing in this section shall be construed as prohibiting or restricting—
 - (a) any method of cultivation or use of land which is in accordance with the principles of good husbandry; or
 - (b) the reasonable use of oil or tar on any [^{F1}public road, so long as the roads] authority take all reasonable steps for preventing the oil or tar, or any liquid or matter resulting from the use thereof, from polluting any such spring, well or adit.
- (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 the prescribed sum 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.
- (4) In this section, “the prescribed sum” has the same meaning as in section 289B(6) of the ^{M1}Criminal Procedure (Scotland) Act 1975.

Textual Amendments

F1 Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 81\(9\)](#)

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Water (Scotland) Act 1980, Section 75 is up to date with all changes known to be in force on or before 13 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)

Modifications etc. (not altering text)

C1 S. 75 amended (27.8.1993) by 1993 c. 12, s. 40(4), **Sch. 3 Pt. II para.17** (with ss. 42, 46)

Marginal Citations

M1 1975 c. 21.

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