



# Environment Act 1995

## 1995 CHAPTER 25

### PART V

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

##### *Evidence*

#### **111 Evidence in connection with certain pollution offences.**

<sup>F1</sup>(1) .....

(2) Information provided or obtained pursuant to or by virtue of a condition of a relevant licence (including information so provided or obtained, or recorded, by means of any apparatus) shall be admissible in evidence in any proceedings, whether against the person subject to the condition or any other person.

[<sup>F2</sup>(2A) Information provided or obtained pursuant to or by virtue of relevant regulations (including information so provided or obtained, or recorded, by means of any apparatus) shall be admissible in evidence in any proceedings, whether against the person subject to a requirement arising under or by virtue of the regulations or any other person.]

(3) For the purposes of [<sup>F3</sup>subsections (2) and (2A)] above, apparatus shall be presumed in any proceedings to register or record accurately, unless the contrary is shown or [<sup>F4</sup>provision otherwise is made by the relevant licence or by virtue of the relevant regulations].

(4) Where—

(a) by virtue of a condition of a relevant licence [<sup>F5</sup>or by virtue of relevant regulations], an entry is required to be made in any record as to the observance of any condition of the relevant licence [<sup>F6</sup>or compliance with any requirement arising under or by virtue of the regulations], and

(b) the entry has not been made,

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that fact shall be admissible in any proceedings as evidence that that condition has not been observed [<sup>F7</sup>or that requirement has not been complied with].

(5) In this section—

“apparatus” includes any meter or other device for measuring, assessing, determining, recording or enabling to be recorded, the volume, temperature, radioactivity, rate, nature, origin, composition or effect of any substance, flow, discharge, emission, deposit or abstraction;

“condition of a relevant licence” includes any requirement to which a person is subject under, by virtue of or in consequence of a relevant licence;

“environmental licence” has the same meaning as it has in Part I above as it applies in relation to the Agency [<sup>F8</sup>, the Natural Resources Body for Wales] or SEPA, as the case may be;

“relevant licence” means—

- (a) any environmental licence;
- (b) any consent under Part II of the <sup>M1</sup>Sewerage (Scotland) Act 1968 to make discharges of trade effluent;
- (c) any agreement under section 37 of that Act with respect to, or to any matter connected with, the reception, treatment or disposal of such effluent;
- (d) any consent under Chapter III of Part IV of the <sup>M2</sup>Water Industry Act 1991 to make discharges of special category effluent; or
- (e) any agreement under section 129 of that Act with respect to, or to any matter connected with, the reception or disposal of such effluent.

[<sup>F9</sup>“relevant regulations” means regulations made for the purpose of implementing the EU ETS Directive (as defined by section 56)].

(6) [<sup>F10</sup>In section 25 of the Environmental Protection Act, after subsection (2) (which makes similar provision to subsection (4) above) there shall be inserted—

“(3) Subsection (2) above shall not have effect in relation to any entry required to be made in any record by virtue of a condition of a relevant licence, within the meaning of section 111 of the Environment Act 1995 (which makes corresponding provision in relation to such licences).”]

#### Textual Amendments

- F1** S. 111(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**
- F2** S. 111(2A) inserted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **8(2)**
- F3** Words in s. 111(3) substituted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **8(3)(a)**
- F4** Words in s. 111(3) substituted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **8(3)(b)**
- F5** Words in s. 111(4)(a) inserted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **8(4)(a)(i)**
- F6** Words in s. 111(4)(a) inserted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **8(4)(a)(ii)**
- F7** Words in s. 111(4)(b) inserted (3.12.2012) by The Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regs. 1, **8(4)(b)**
- F8** Words in s. 111(5) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 383** (with Sch. 7)

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- F9** Words in s. 111(5) inserted (3.12.2012) by [The Greenhouse Gas Emissions Trading Scheme \(Amendment\) \(Charging Schemes\) Regulations 2012 \(S.I. 2012/2788\)](#), regs. 1, **8(5)**
- F10** S. 111(6) repealed (1.4.2015 for S.) by [Pollution Prevention and Control Act 1999 \(c. 24\)](#), s. 7(3), **Sch. 3**; S.S.I. 2015/139, art. 3(a)

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**Marginal Citations**

- M1** 1968 c. 47.
- M2** 1991 c. 56.

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