

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Environment Act 1995, SCHEDULE 19 is up to date with all changes known to be in force on or before 30 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 19

Section 112.

#### OFFENCES RELATING TO FALSE OR MISLEADING STATEMENTS OR FALSE ENTRIES

##### *The Control of Pollution Act 1974*

- 1 (1) The <sup>M1</sup>Control of Pollution Act 1974 shall be amended in accordance with the following provisions of this paragraph.
- (2) For subsection (5) of section 34 (offences relating to consents for discharge of effluent etc) there shall be substituted—
- “(5) A person who, in an application for consent in pursuance of this section, makes any statement which he knows to be false or misleading in a material particular or recklessly makes any statement which is false or misleading in a material particular shall be guilty of an offence and shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”.

(3) For subsection (3) of section 93 (offences relating to power of authorities to obtain information) there shall be substituted—

“(3) A person who—

    - (a) fails without reasonable excuse to comply with the requirements of a notice served on him in pursuance of this section; or
    - (b) in furnishing any information in compliance with such a notice, makes any statement which he knows to be false or misleading in a material particular or recklessly makes any statement which is false or misleading in a material particular,

shall be guilty of an offence.

(3A) A person guilty of an offence under this section shall be liable—

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

#### Marginal Citations

M1 1974 c. 40.

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*The Water (Scotland) Act 1980*

- 2 (1) The <sup>M2</sup>Water (Scotland) Act 1980 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 93 (obtaining of information as to underground water) after subsection (7) there shall be inserted—
- “(8) Any person who in keeping a journal under subsection (1) or in furnishing information under subsection (2) or (3) makes any statement which he knows to be false or misleading in a material particular or recklessly makes any statement which is false or misleading in a material particular shall be guilty of an offence and shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”
- (3) In section 94 (false information) after the word “Act” there shall be inserted the words “ (other than by or under section 93) ”.

**Marginal Citations**

**M2** 1980 c. 45.

*The Control of Pollution (Amendment) Act 1989*

- 3 In section 7(3)(b) of the <sup>M3</sup>Control of Pollution (Amendment) Act 1989 (offences of making false statements), after the word “false” in each place where it occurs there shall be inserted the words “ or misleading ”.

**Marginal Citations**

**M3** 1989 c. 14.

*The Environmental Protection Act 1990*

- 4 (1) For section 44 of the <sup>M4</sup>Environmental Protection Act 1990 (offences of making false statements) there shall be substituted—

**“44 Offences of making false or misleading statements or false entries.**

- (1) A person who—
- (a) in purported compliance with a requirement to furnish any information imposed by or under any provision of this Part, or
- (b) for the purpose of obtaining for himself or another any grant of a licence, any modification of the conditions of a licence, any acceptance of the surrender of a licence or any transfer of a licence,
- makes a statement which he knows to be false or misleading in a material particular, or recklessly makes any statement which is false or misleading in a material particular, commits an offence.

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- (2) A person who intentionally makes a false entry in any record required to be kept by virtue of a licence commits an offence.
- (3) A person who commits an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”
- (2) In section 71(3) of that Act, paragraph (b) (offence of making false or misleading statements) shall cease to have effect.

#### Marginal Citations

**M4** 1990 c. 43.

#### *The Water Resources Act 1991*

- 5 (1) Section 206 of the <sup>M5</sup>Water Resources Act 1991 (making of false statements etc) shall be amended in accordance with the following provisions of this paragraph.
- (2) For subsection (1), there shall be substituted—
- “(1) If, in furnishing any information or making any application under or for the purposes of any provision of this Act, any person makes a statement which he knows to be false or misleading in a material particular, or recklessly makes any statement which is false or misleading in a material particular, he shall be guilty of an offence under this section.”
- (3) Subsection (2) (which is superseded by the amendment made by sub-paragraph (2) above) shall be omitted.
- (4) After subsection (3) (offences relating to the use of meters in connection with licences under Chapter II of Part II) there shall be inserted—
- “(3A) If a person intentionally makes a false entry in any record required to be kept by virtue of a licence under Chapter II of Part II of this Act, or a consent under Chapter II of Part III of this Act, he shall be guilty of an offence under this section.”
- (5) For subsections (5) to (7) (which require consent to the prosecution of certain offences and provide different penalties for different offences) there shall be substituted—
- “(5) A person who is guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”

#### Marginal Citations

**M5** 1991 c. 57.

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*The Radioactive Substances Act 1993*

- 6 After section 34 of the <sup>M6</sup>Radioactive Substances Act 1993 (offences relating to disclosure of information about trade secrets etc) there shall be inserted—

**“34A Offences of making false or misleading statements or false entries.**

- (1) Any person who—
- (a) for the purpose of obtaining for himself or another any registration under section 7 or 10, any authorisation under section 13 or 14 or any variation of such an authorisation under section 17, or
  - (b) in purported compliance with a requirement to furnish information imposed under section 31(1)(d),
- makes a statement which he knows to be false or misleading in a material particular, or recklessly makes a statement which is false or misleading in a material particular, shall be guilty of an offence.
- (2) Any person who intentionally makes a false entry in any record—
- (a) which is required to be kept by virtue of a registration under section 7 or 10 or an authorisation under section 13 or 14, or
  - (b) which is kept in purported compliance with a condition which must be complied with if a person is to have the benefit of an exemption under section 8, 11 or 15,
- shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.”

**Marginal Citations**

**M6** 1993 c. 12.

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