
Changes to legislation: Water Act 2014, Paragraph 37 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes

SCHEDULES

SCHEDULE 8

REGULATION OF THE WATER ENVIRONMENT

PART 2

SUPPLEMENTARY PROVISION

Offences

- 37 (1) The regulations may provide for any such offence as is mentioned in paragraph 26 to be triable—
- (a) only summarily, or
 - (b) either summarily or on indictment.
- (2) The regulations may provide for any such offence to be punishable on summary conviction with—
- (a) imprisonment for a term not exceeding such period as is specified in the regulations (which may not exceed the normal maximum term), or
 - (b) a fine not exceeding such amount as is so specified (which may not exceed £20,000),
- or both.
- (3) The “normal maximum term” means—
- (a) in relation to England and Wales—
 - (i) in the case of an offence triable only summarily, 51 weeks, and
 - (ii) in the case of an offence triable either summarily or on indictment, twelve months;
 - (b) in relation to Scotland—
 - (i) in the case of an offence triable only summarily, 6 months, and
 - (ii) in the case of an offence triable either summarily or on indictment, twelve months.
- (4) Regulations that—
- (a) are made before the date on which section 281(5) of the Criminal Justice Act 2003 comes into force, and
 - (b) in relation to England and Wales, make provision for a summary offence to be punishable with a term of imprisonment exceeding six months,
- must provide that, where the offence is committed before that date, it is punishable with imprisonment for a term not exceeding six months.
- (5) Regulations that—
- (a) are made before [F12 May 2022], and

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- (b) in relation to England and Wales, make provision for an offence triable either summarily or on indictment to be punishable on summary conviction with a term of imprisonment exceeding six months,
must provide that, where the offence is committed before that date, it is punishable on summary conviction with imprisonment for a term not exceeding six months.
- (6) The regulations may provide for such an offence to be punishable on indictment with—
 - (a) imprisonment for a term not exceeding such period as is specified (which may not exceed two years), or
 - (b) a fine,or both.

Textual Amendments

F1 Words in [Sch. 8 para. 37\(5\)\(a\)](#) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\)](#) and [Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1288, art. 3(c)(d) by [S.I. 2019/706 art. 2](#)
- specified provision(s) amendment to earlier commencing S.I. 2017/462, arts. 4, 5 by [S.I. 2017/926 art. 2](#)