
Changes to legislation: Water Act 2014, Cross Heading: Offences is up to date with all changes known to be in force on or before 18 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](#)