



Water Industry (Scotland) Act 2002

2002 asp 3

PART 4

MISCELLANEOUS AND GENERAL

Miscellaneous

65 Contravention of water byelaws: penalties and proceedings

(1) Section 72 (general provisions as to byelaws) of the 1980 Act is amended as follows.

(2) In subsection (3) (maximum level of penalty), for “level 4” substitute “level 5”.

(3) After that subsection, insert—

“(3A) Subject to subsection (3B), proceedings for any offence against such byelaws may be commenced at any time—

- (a) within 6 months after the date on which evidence sufficient in the opinion of the procurator fiscal to justify the proceedings came to the procurator fiscal’s knowledge, or
- (b) where such evidence was reported to the procurator fiscal by Scottish Water, within 6 months after the date on which it came to Scottish Water’s knowledge.

(3B) No such proceedings shall be commenced more than 3 years after—

- (a) the date of the commission of the offence, or
- (b) in the case of a continuing offence, the last date on which the offence was committed.

(3C) Subsection (3) of section 136 (time limit for certain offences) of the Criminal Procedure (Scotland) Act 1995 (c. 46) applies for the purposes of this section as it applies for the purposes of that section.

(3D) For the purposes of subsection (3A), a certificate signed by or on behalf of the procurator fiscal or, as the case may be, Scottish Water, and stating the date on which evidence such as is mentioned in that subsection came to the procurator fiscal’s or, as the case may be, Scottish Water’s knowledge shall be conclusive evidence of that fact.

Status: This is the original version (as it was originally enacted).

(3E) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”