

ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 – the Environment

Section 66 and schedule 2 – Increase in penalties for certain environmental offences

182. **Schedule 2**, which is given effect by section 66, contains amendments relating to penalties for certain environmental offences. They relate to:
- offences under the Sewerage (Scotland) Act 1968, involving harm to, or impairment of, the working of sewerage or sewage treatment;
 - offences causing or allowing the water environment to become polluted (these offences are currently set out in the Control of Pollution Act 1974, which will be superseded in due course by a new regulatory framework under the Water Environment and Water Services (Scotland) Act 2003);
 - offences under the Water (Scotland) Act 1980 involving pollution of drinking water sources;
 - offences involving harm to the general environment under the 1990 Act or giving rise to a statutory nuisance;
 - failing to observe regulations for industrial pollution control under the Pollution Prevention and Control Act 1999 and the associated Pollution Prevention & Control (Scotland) Regulations 2000;
 - offences under the Landfill (Scotland) Regulations 2003 concerning the operation of a landfill.
183. The maximum fine currently applicable to any of the above on summary conviction, is £20,000. The effect of the amendments to those provisions in schedule 2 to the Act is to increase the fine on summary conviction for all these offences to £40,000.