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*Changes to legislation: There are currently no known outstanding effects for the  
Regulatory Reform (Scotland) Act 2014, Paragraph 29. (See end of Document for details)*

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### SCHEDULE 3 MINOR AND CONSEQUENTIAL MODIFICATIONS

#### PART 5

#### MISCELLANEOUS ENACTMENTS

##### *Environment Act 1995*

- 29 (1) The Environment Act 1995 is amended as follows.
- (2) In section 21 (transfer of functions to SEPA)—
- (a) in subsection (1)—
    - (i) paragraph (a)(i), (iii) and (iv) are repealed,
    - (ii) in paragraph (a)(ii), the words from “Part III” to “and” are repealed,
    - (iii) paragraphs (c), (d), (f) and (h) are repealed,
  - (b) in subsection (2), paragraph (b) is repealed.
- (3) Section 23 (functions of the staff commission established under section 12 of the Local Government etc. (Scotland) Act 1994) is repealed.
- (4) In section 56 (interpretation of Part 1), in subsection (1), in the definition of “disposal authority”, paragraph (b) is repealed.
- (5) In section 91 (interpretation of Part 4), in subsection (1), in the definition of “action plan”, for “84(2)(b)” substitute “ 84(2) ”.
- (6) In section 110 (offences)—
- (a) in subsection (1), after “to” insert “ assault, hinder or ”,
  - (b) in subsection (4)—
    - (i) in paragraph (a), after “of” where it second occurs insert “ assaulting, hindering or ”,
    - (ii) in sub-paragraph (i) of that paragraph, after “maximum” insert “ or to imprisonment for a term not exceeding 12 months, or to both ”,
    - (iii) in paragraph (b), for the words “level 5 on the standard scale” substitute “ the prescribed sum within the meaning of section 225(8) of the Criminal Procedure (Scotland) Act 1995 or to imprisonment for a term not exceeding 12 months, or to both ”,
  - (c) after subsection (5) insert—
    - “(5A) A person may be convicted of the offence under subsection (1) above of hindering or obstructing even though it is—
      - (a) effected by means other than physical means, or
      - (b) effected by action directed only at any vehicle, apparatus, equipment or other thing used or to be used by an authorised person.
    - (5B) Subsection (5C) applies where, in the trial of a person (“the accused”) charged in summary proceedings with an offence under subsection (1) above, the court—
      - (a) is not satisfied that the accused committed the offence, but

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- (b) is satisfied that the accused committed an offence under subsection (2) above.
- (5C) The court may acquit the accused of the charge and, instead, find the accused guilty of an offence under subsection (2) above.”.
- (7) In section 114 (power of the Scottish Ministers to delegate functions relating to appeals), subsections (2)(a)(i) and (3)(b) are repealed.
- (8) In Schedule 11 (air quality: supplemental provisions)—
- (a) in paragraph 1(1)(b), the words “or 84” are repealed,
  - (b) in paragraph 4(2)(b), the words “or 84” are repealed.
- (9) In schedule 20 (delegation of appellate functions of the Scottish Ministers), paragraph 4(3)(a) is repealed.
- (10) In Schedule 22 (minor and consequential amendments)—
- (a) paragraph 1 is repealed,
  - (b) in paragraph 29—
    - (i) in sub-paragraph (2), for the words from “section 30C(1)” to the end of that sub-paragraph, substitute “ section 51 ”,
    - (ii) sub-paragraphs (4)(b) to (e), (5), (6), (8), (9)(a) and (b), (10) to (15), (17) to (22), (25), (26), (29) and (30) are repealed,
  - (c) paragraph 93 is repealed,
  - (d) in paragraph 96, sub-paragraphs (2) to (5), (7) and (8) are repealed.
- (11) In Schedule 23 (transitional and transitory provisions and savings), the following paragraphs are repealed—
- (a) paragraph 4,
  - (b) paragraph 6,
  - (c) paragraph 8, and
  - (d) paragraph 18.

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**Commencement Information**

**II** Sch. 3 para. 29 in force at 30.6.2014 by S.S.I. 2014/160, art. 2(1)(2), Sch.

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