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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 432**

**The Control of Pollution (Registers) and  
(Consent for Discharges) (Secretary of State  
Functions) Amendment Regulations 2000**

**Amendment to the Control of Pollution (Registers) (Scotland) Regulations 1993**

**3.—(1)** The Control of Pollution (Registers) (Scotland) Regulations 1993(1) are amended as follows.

(2) In regulation 2, in the definition of “relevant event” delete “(e)” and substitute “(f), the withdrawal or determination of any appeal referred to in regulation 4B, the conviction or determination of any appeal referred to in regulation 4C, or the determination (whether at first instance or on appeal) of proceedings referred to in regulation 4D,”.

(3) In paragraph (2) of regulation 3 delete “regulation 7(2)” and substitute “regulations 4A(2) and 7(2)”.

(4) After regulation 4, insert the following—

**“Notices served under section 49A(1)**

**4A.—(1)** The particulars to be included in the register in respect of notices served under section 49A(1) (enforcement notices) are—

- (a) the name of the holder of the relevant consent on whom an enforcement notice has been served;
- (b) the date of the enforcement notice;
- (c) particulars of the matters specified under section 49A(2)(b);
- (d) particulars of the steps that must be taken under section 49A(2)(c); and
- (e) particulars of the period within which those steps must be taken under section 49A(2)(d).

(2) The particulars required by this regulation shall be entered on the register not later than 7 days after the day on which the enforcement notice is served.

(3) In this regulation, the expressions “relevant consent” and “the holder” shall have the same meaning as in section 49A.

**Conviction for failure to comply with an enforcement notice**

**4B.—(1)** Subject to paragraphs (2) and (3), the particulars to be included in the register in respect of any conviction for an offence under section 49A(3) (failure to comply with an enforcement notice) are—

- (a) particulars of the steps which required to be taken under section 49A(2)(c) in terms of the enforcement notice;

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(1) S.I.1993/1155. That instrument was amended by S.I. 1996/973, but those amendments are not relevant to this Order.

- (b) the date of the conviction;
- (c) the penalty (if any) imposed; and
- (d) the name of the court before which the offence was tried.

(2) In the event of a successful appeal against conviction the particulars specified in paragraph (1) above shall be deleted.

(3) In the event of a successful appeal against the penalty imposed, the particulars specified in paragraph (1)(c) above shall be deleted and substituted by the penalty (if any) imposed on appeal.

**Proceedings for the purpose of securing compliance with an enforcement notice**

**4C.** The particulars to be included in the register in respect of proceedings taken by SEPA under section 49A(4) (proceedings for the purpose of securing compliance with an enforcement notice) are—

- (a) a copy of any written pleadings on the basis of which the court of first instance, and any court of appeal, made a determination;
- (b) a copy of the extract decree of the court of first instance, and of any court of appeal; and
- (c) a statement of the amount of expenses (if any) (including outlays (if any)) recovered by SEPA from the person against whom proceedings were taken.”.