

**2014 No. 160 (C. 11)**

**REGULATORY REFORM**

**ENVIRONMENTAL PROTECTION**

**The Regulatory Reform (Scotland) Act 2014 (Commencement  
No. 1 and Transitional Provision) Order 2014**

<i>Made</i> - - - -	<i>4th June 2014</i>
<i>Laid before the Scottish Parliament</i>	<i>6th June 2014</i>
<i>Coming into force</i> - -	<i>30th June 2014</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 61(2) of the Regulatory Reform (Scotland) Act 2014(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Regulatory Reform (Scotland) Act 2014 (Commencement No. 1 and Transitional Provision) Order 2014 and comes into force on 30th June 2014.

(2) In this Order—

“the 1982 Act” means the Civic Government (Scotland) Act 1982(b); and

“the 2014 Act” means the Regulatory Reform (Scotland) Act 2014.

**Appointed days**

**2.**—(1) Subject to paragraph (2), 30th June 2014 is the day appointed for the coming into force of the provisions of the 2014 Act specified in column 1 of the Schedule (the subject-matter of which is described in column 2 of the Schedule).

(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision specified in column 1 of the Schedule, that provision comes into force on 30th June 2014 for that purpose only.

(3) 1st April 2015 is the day appointed for the coming into force of paragraph 11(4) of schedule 3 to the 2014 Act and, only in so far as necessary for the purpose of commencing that subparagraph, section 57 (consequential modifications and repeals) of the 2014 Act.

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(a) 2014 asp 3.  
(b) 1982 c.45.

### **Transitional provision**

**3.**—(1) Paragraph (2) applies in the case of an application for a street trader’s licence under section 39(a) of the 1982 Act which—

- (a) requires to be accompanied by a certificate under subsection (4) of that section; and
- (b) is made before 30th June 2014.

(2) The licensing authority may accept a certificate under subsection (4) of section 39 of the 1982 Act if it has been issued by the food authority which is—

- (a) the food authority referred to in that subsection after amendment by section 56 of the 2014 Act; or
- (b) the food authority referred to in that subsection as it stood prior to that amendment.

St Andrew’s House,  
Edinburgh  
4th June 2014

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers

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(a) Prior to amendment by section 56 of the Regulatory Reform (Scotland) Act 2014, section 39 had been amended by the Food Safety Act 1990 (c.16), Schedule 3, paragraph 25 and the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), section 175.

## SCHEDULE

Article 2(1) and (2)

### PROVISIONS OF 2014 ACT COMING INTO FORCE ON 30TH JUNE 2014

<i>Column 1</i> <i>Provisions of the 2014 Act</i>	<i>Column 2</i> <i>Subject-matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 1	Power as respects consistency in regulatory functions	
Section 2	Regulations under section 1: further provision	
Section 3	Regulations under section 1: compliance and enforcement	
Section 4	Regulators' duty in respect of sustainable economic growth	
Section 5	Code of practice	
Section 6	Code of practice: procedure	
Section 7	Power to modify schedule 1	
Section 8	Scope of Part 2	
Section 9	Meaning of "relevant function"	
Section 10	Nomination of primary authorities	
Section 11	Nomination of primary authorities: conditions and registers	
Section 12	Primary authorities: power to make further provision	
Section 13	Advice and guidance	
Section 14	Power to charge	
Section 15	Guidance	
Section 16	General purpose: protecting and improving the environment	
Section 17	Meaning of expressions used in section 16 and schedule 2	
Section 18	Regulations relating to protecting and improving the environment	
Section 19	Regulations relating to protecting and improving the environment: consultation	
Section 20	Fixed monetary penalties	
Section 21	Fixed monetary penalties: procedure	
Section 22	Fixed monetary penalties: effect on criminal proceedings etc.	
Section 23	Variable monetary penalties	
Section 24	Variable monetary penalties: procedure	

Section 25	Variable monetary penalties: effect on criminal proceedings etc.	
Section 26	Undertakings under section 24: non-compliance penalties	
Section 27	Enforcement undertakings	
Section 28	Combination of sanctions	
Section 29	Monetary penalties	
Section 30	Costs recovery	
Section 31	Guidance as to use of enforcement measures	
Section 32	Publication of enforcement action	
Section 33	Interpretation of Chapter 2	
Section 34	Compensation orders against persons convicted of relevant offences	
Section 35	Fines for relevant offences: court to consider financial benefits	
Section 36	Power to order conviction etc. for offence to be publicised	
Section 37	Corporate offending	
Section 38	Vicarious liability for certain offences by employees and agents	
Section 39	Liability where activity carried out by arrangement with another	
Section 40	Significant environmental harm: offence	
Section 41	Power of court to order offence to be remedied	
Section 42	Corporate offending	
Section 43	Offences relating to supply of carrier bags: fixed penalty notices	
Section 44	Orders under sections 36 and 41: prosecutor's right of appeal	
Section 45	Contaminated land and special sites	
Section 46	Amendment of powers under section 108 of Environment Act 1995	
Section 47	Carriers of controlled waste: offences by partnerships affecting registration	
Section 48	Waste management licences: offences by partnerships	
Section 49	Duty of local authorities in relation to air quality assessments etc.	
Section 50	Smoke control areas:	

	authorised fuels and exempt fireplaces	
Section 51	General purpose of SEPA	
Section 52	Annual report on operation of Part 3	
Section 53	Meaning of “relevant offence” and “SEPA” in Part 3	
Section 55	Planning authorities’ functions: charges and fees	
Section 56	Application for street trader’s licence: food businesses	
Section 57	Consequential modifications and repeals	For the purpose of commencing paragraphs 2 to 5, 7, 8(1) and (2), 9, 11(1) to (3), 12 to 23 and 25 to 44 of schedule 3 to the 2014 Act
Schedule 1	Regulators for the purposes of Part 1	
Schedule 2	Particular purposes for which provision may be made under section 18	
Schedule 3, paragraphs 2 to 5, 7, 8(1) and (2), 9, 11(1) to (3), 12 to 23 and 25 to 44	Minor and consequential modifications	

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain sections of the Regulatory Reform (Scotland) Act 2014 (“the 2014 Act”). The 2014 Act received Royal Assent on 19th February 2014 and sections 58 (subordinate legislation), 59 (ancillary provision), 60 (Crown application), 61 (commencement) and 62 (short title) came into force the day after Royal Assent.

This is the first commencement order. Article 2(1) of the Order appoints 30th June 2014 for the coming into force of sections 1 to 53, 55 and 56 of, and schedules 1 and 2 to, the 2014 Act. This provision also brings into force paragraphs 2 to 5, 7, 8(1) and (2), 9, 11(1) to (3), 12 to 23 and 25 to 44 of schedule 3 to the 2014 Act. Article 2(1) and (2) of the Order brings section 57 of the 2014 Act into force on 30th June 2014 for the purposes of commencing those paragraphs of schedule 3 listed above.

Article 2(3) of the Order appoints 1st April 2015 for the coming into force of paragraph 11(4) of schedule 3 to, and section 57 of, the 2014 Act for the purpose of commencing paragraph 11(4).

Article 3 makes transitional provision in relation to relevant applications for a street trader’s licence made before 30th June 2014.

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