

Changes to legislation: Control of Pollution Act 1974, SCHEDULE 2 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

Section 99.

ALTERATION OF PENALTIES

The Public Health (Scotland) Act 1897

F1₁

Textual Amendments

F1 Sch. 2 para. 1 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F2₂

Textual Amendments

F2 Sch. 2 para. 2 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

F3₃

Textual Amendments

F3 Sch. 2 para. 3 repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

The Alkali, &c. Works Regulation Act 1906

F4₄

Textual Amendments

F4 Sch. 2 para. 4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

F5₅

Textual Amendments

F5 Sch. 2 para. 5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 13**

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The ^{M1}Public Health Act 1936

Marginal Citations

M1 1936 c. 49.

[^{F6} In section 19(3) of the Public Health Act 1936 (under which a person is liable on summary conviction to a fine not exceeding £50 if he constructs a drain or sewer in a manner other than that in which he is required to construct it by a local authority in pursuance of that section) for the words 'fifty pounds' there shall be substituted the word '£200'.]

Textual Amendments

F6 Sch 2 para. 6 repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

[^{F7} In section 27 of that Act (which provides that certain matters are not to be passed into public sewers), in subsection (2) (under which a contravention of that section is punishable on summary conviction by a fine not exceeding £10 and a further £5 for each day on which the offence continues after conviction) for the words from “to a fine” onwards there shall be substituted the words—

“(a) on summary conviction, to a fine not exceeding £400 and to a further fine not exceeding £50 for each day on which the offence continues after conviction therefor;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both”.]

Textual Amendments

F7 Sch. 2 para. 7 repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

[^{F8} In section 34(5) of that Act (under which a person who causes a drain or sewer to connect with a public sewer in contravention of that section is liable on summary conviction to a fine not exceeding £20) for the words “twenty pounds” there shall be substituted the word “£200”.]

Textual Amendments

F8 Sch. 2 para. 8 repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

[^{F9} In section 36(1) of that Act (under which a person who causes a drain or sewer to communicate with a public sewer after the local authority have given notice that they intend themselves to make the connection is liable on summary conviction to a fine not exceeding £50) for the words “fifty pounds” there shall be substituted the word “£200”.]

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Textual Amendments

F9 Sch. 2 para. 9 repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60), ss. 3(1), 4(2), **Sch. 3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

[^{F10}10 In section 41(3) of that Act (under which a person is liable upon summary conviction to a fine not exceeding £5 if he does certain work in connection with an underground drain which communicates with a sewer without giving 24 hours notice to the relevant local authority of his intention to do so or if he does not permit an authorised officer of the local authority free access to the work) for the words “five pounds” there shall be substituted the word “£200”.]

Textual Amendments

F10 Sch. 2 para. 10 repealed (E.W.) by [Building Act 1984](#) (c. 55, SIF 15), s. 133(2), **Sch. 7**

[^{F11}11 In section 94(2) of that Act (under which a person who fails to abate a nuisance or to take adequate steps to prevent a recurrence of a nuisance is liable on summary conviction to a fine not exceeding £20) for the word “£20” there shall be substituted the word “£200”]

Textual Amendments

F11 Sch. 2 para. 11 repealed (E.W.)(N.I.) by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. III**

[^{F12}12 In section 95(1) of that Act (under which a person who contravenes or fails to comply with a nuisance order is liable on summary conviction to a fine not exceeding £50 and a further £5 for each day on which the offence continues after conviction) for the words “£50” and “£5” there shall be substituted the words “£400” and “£50” respectively]

Textual Amendments

F12 Sch. 2 para. 12 repealed (E.W.)(N.I.) by Environmental Protection Act

The ^{M2}Public Health (Drainage of Trade Premises Act 1937

Marginal Citations

M2 1937 c. 40.

[^{F13}13 In section 2 of the Public Health (Drainage of Trade Premises) Act 1937 (under which restrictions are imposed on the discharge of trade effluent), in subsection (5) (under which an occupier of premises is guilty of an offence if trade effluent is discharged in contravention of the section or without any consent necessary for the purposes of the Act or if any direction or condition given or imposed under that section is contravened) after the words “guilty of an offence” there shall be inserted the words “and liable on summary conviction to a fine not exceeding £200 and to

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a further fine not exceeding £50 for every day on which the offence continues after conviction therefor.”]

Textual Amendments

F13 Sch. 2 para. 13 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2) (4), 163, 189(4)-(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), [Sch. 27 Pt. I](#)

[^{F14}14 In section 9 of that Act (under which a person who fails to give specified information to a water authority is liable on summary conviction to a fine not exceeding £5 and a further £2 for each day on which the offence continues after conviction) for the words “five pounds” and “forty shillings” there shall be substituted the words “£50” and “£5” respectively.]

Textual Amendments

F14 Sch. 2 para. 14 repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3(1), 4(2), [Sch. 3 Pt. I](#) (with [Sch. 2 paras. 10, 14\(1\), 15](#))

The ^{M3}Water Act 1945

Marginal Citations

M3 1945 c. 42 (8 & 9 Geo. 6).

15 In section 19(3) of the Water Act 1945 (under which byelaws made under section 17 of that Act or section 22(6) of the Countryside Act 1968 may contain provision making any person who contravenes the byelaws liable to a fine not exceeding £20 and a further £5 for each day during which the offence continues after conviction) for the words “twenty pounds” and “five pounds” there shall be substituted the words “£400” and “£50” respectively.

[^{F15}16 In section 21 of that Act (under which a person is guilty of an offence if he is guilty of any act or neglect whereby any spring, well, borehole or adit the water from which is used or likely to be used for human consumption or domestic purposes or for manufacturing food or drink for human consumption is polluted or likely to be polluted) after subsection (2) there shall be inserted the following subsection—

“(3) Any person guilty of an offence by virtue of this section shall be liable in respect of each offence—

- (a) on summary conviction to a fine not exceeding £400 and in the case of a continuing offence to a further fine not exceeding £50 for every day during which the offence is continued after conviction ;
- (b) on conviction on indictment. to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment.”]

Textual Amendments

F15 Sch. 2 para. 16 repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#), ss. 3(1), 4(2), [Sch. 3 Pt. I](#) (with [Sch. 2 paras. 10, 14\(1\), 15](#))

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17, 18. F16

Textual Amendments

F16 Sch. 2 paras 17, 18 repealed by [Water \(Scotland\) Act 1980 \(c. 45\)](#), [Sch. 11](#)

The Clean Air Act 1956

F17 19

Textual Amendments

F17 Sch. 2 para. 19 repealed (27.8.1993) by [1993 c. 11, ss. 67\(3\), 68\(2\)](#), [Sch. 6](#)

The Radioactive Substances Act 1960

F18 20

Textual Amendments

F18 Sch. 2 para. 20 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

The ^{M4}Sewerage (Scotland) Act 1968

Marginal Citations

M4 1968 c. 47.

- 21 In section 12(8) of the Sewerage (Scotland) Act 1968 (under which a person is liable on summary conviction to a fine not exceeding £25 if he connects a drain or sewer otherwise than in accordance with that section) for the word “£25” there shall be substituted the word “£200”.
- 22 In section 14(6) of that Act (under which a person is liable on summary conviction to a fine not exceeding £25 if he constructs a drain, sewer or sewage treatment works otherwise than in accordance with a direction under that section by a local authority) for the word “£25” there shall be substituted the word “£200”.
- 23 In section 24(2) of that Act (under which an occupier of trade premises who discharges trade effluent into sewers etc. without the consent of, or contrary to a direction given by or condition imposed by, the local authority is liable on summary conviction to a fine not exceeding £50 and a further fine not exceeding £20 for each day on which the offence continues after conviction) for the words “£50” and “£20” there shall be substituted the words “£200” and “£50” respectively.
- 24 In section 45(2) of that Act (under which a person who fails to give specified information to a local authority is liable on summary conviction to a fine not exceeding £20) for the word “£20” there shall be substituted the word “£50”.
- 25 In section 46 of that Act (which provides that certain matters are not to be passed into public sewers), in subsection (2) (under which a contravention of that section

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is punishable on summary conviction by a fine not exceeding £20 and a further fine not exceeding £10 for each day on which the offence continues after conviction)—

- (a) for the words “£20” and “£10” there shall be substituted the words “£400” and “£50” respectively and
- (b) there shall be added at the end the words “and on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment”.

The Clean Air Act 1968

F19 26

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Textual Amendments

F19 Sch. 2 para. 26 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch. 6**

F20 27

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Textual Amendments

F20 Sch. 2 para. 27 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2), **Sch. 6**

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Changes and effects yet to be applied to :

- Sch. 2 para. 15 repealed by [1989 c. 15 Sch. 27 Pt. 2](#)