



Natural Heritage (Scotland) Act 1991

1991 CHAPTER 28

PART II

IRRIGATION

16 Offence of unlicensed abstraction of water for irrigation

- (1) A person who, for the purpose of irrigation, abstracts water from inland or ground waters in an area to which a control order applies, or causes or permits any other person to abstract such water for that purpose, shall, subject to subsection (4) below, be guilty of an offence under this section.
- (2) Where a licence has been granted under section 17 of this Act and the operation of the licence has been limited or suspended under section 18(1) of this Act, any person who abstracts water in contravention of such limitation or suspension or causes or permits any other person to so abstract water shall be guilty of an offence under this section.
- (3) A person who is guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a period not exceeding 3 months; or
 - (b) on conviction on indictment, to a fine or to imprisonment for a period not exceeding 2 years.
- (4) A person shall not be guilty of an offence under subsection (1) above if he abstracts such water—
 - (a) under and in accordance with a valid licence under this Part of this Act;
 - (b) during a period in which restrictions on the abstraction of that water have been lifted by virtue of a declaration made under section 18(3) of this Act; or
 - (c) where restrictions on the abstraction of water or the operation of a licence have been temporarily relaxed by virtue of such a declaration, to the extent that the abstraction is within the scope of that relaxation.