

Fit and Proper Person Test

List of Relevant Offences

## 1 June 2025

This document lists the relevant offences which we will consider when determining the suitability of an applicant to hold an authorisation under the Environmental Authorisations (Scotland) Regulations 2018.

We will keep the offences which we consider to be relevant to assessing a person's fitness under review.

## List of relevant environmental offences by regulation

* Animal By-Products (Enforcement) (England) Regulations 2013.
* Animal By-Products (Enforcement) (Wales) Regulations 2014.
* Animal By-Products (Enforcement) (Scotland) Regulations 2013.
* Clean Air Act 1993, Section 33.
* Control of Major Accident Hazards Regulations 1999 and 2015.
* Control of Pollution (Amendment) Act 1989: Section 1, 5, 6(9) or 7(3).
* Control of Pollution Act 1974.
* Control of Pollution Act 1974 Section 3, 5(6), 92(6) or 93(3).
* End-of-Life Vehicles (Producer Responsibility) Regulations 2005.
* End-of-Life Vehicles Regulations 2003.
* Environment Act 1995: Section 110.
* Environmental Authorisations (Scotland) Regulations 2018.
* Environmental Liability (Scotland) Regulations 2009.
* Environmental Permitting (England and Wales) Regulations 2007, 2010 and 2016.
* Environmental Protection Act 1990.
* Fluorinated Greenhouse Gases Regulations 2015.
* Food and Environment Protection Act 1985: Section 9.
* Hazardous Waste (England and Wales) Regulations 2005.
* Hazardous Waste (Wales) Regulations 2005.
* Hazardous Waste Regulations (Northern Ireland) 2005.
* Landfill (Scotland) Regulations 2003 .
* Landfill Disposals Tax (Wales) Act 2017.
* Marine (Scotland) Act 2010, Section 39(1).
* Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008, Regulation 42.
* Nitrate Pollution Prevention Regulations 2015: Regulation 41 combined with 7 to 8 and 10 to 35.
* Packaging Waste (Data Reporting) (Scotland) Regulations 2023.
* Producer Responsibility Obligations (Packaging Waste) Regulations 2007.
* Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018: Regulation 11 combined with 3 to 10.
* Refuse Disposal (Amenity) Act 1978.
* Refuse Disposal (Amenity) Act 1978, Section 2.
* Regulatory Reform (Scotland) Act 2014.
* Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012.
* Salmon and Freshwater Fisheries Act 1975: Section 2 and 4.
* Scrap Metal Dealers Act 2013.
* Sludge (Use in Agriculture) Regulations 1989.
* Special Waste Regulations 1996.
* The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008.
* The Control of Mercury (Enforcement) Regulations 2017.
* The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003.
* The Control of Pollution (Special Waste) Regulations 1980.
* The Flood Risk Management (Scotland) Act 2009.
* The Ozone-Depleting Substances Regulations 2015.
* The Pollution Prevention and Control (Scotland) Regulations 2000.
* The Pollution Prevention and Control (Scotland) Regulations 2012.
* The Radioactive Substances Act 1993.
* The Reservoirs (Enforcement etc.) (Scotland) Order 2016.
* The Waste and Emissions Trading Act 2003.
* The Waste Information (Scotland) Regulations 2010.
* The Water Environment (Controlled Activities) (Scotland) Regulations 2011.
* The Water Environment (Remedial Measures) (Scotland) Regulations 2016.
* Transfrontier shipment of hazardous waste (Northern Ireland) Regulations 1989.
* Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2019.
* Transfrontier Shipment of Waste Regulations 2007.
* Waste (England and Wales) Regulations 2011: Regulation 42.
* Waste Batteries and Accumulators Regulation 2009.
* Waste Electrical and Electronic Equipment Regulations 2013.
* Waste Management Licensing (Scotland) Regulations 2011.
* Water Act 1989.
* Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010: Regulation 10 combined with 3 to 5, 7 and 9.
* Water Resources Act 1991: Section 202 and 206.
* Animal By Products (Enforcement) (Scotland) Regs 2013.

## List of relevant non-environmental offences

* Antisocial Behaviour etc (Scotland) Act 2004.
* Antisocial behaviour exclusion Scotland act 2004.
* Anti-social Behaviour, Crime and Policing Act 2014.
* Assault.
* Bankruptcy Scotland Act 2016.
* Bribery Act 2010.
* Business protection from misleading marketing regulations 2008.
* Companies Act 2006.
* Control of Trade in Endangered Species Enforcement Regulations 1997.
* Corporate Manslaughter and Corporate Homicide Act 2007.
* Criminal Damage Act 1971.
* Criminal Finances Act 2017.
* Criminal Justice and Licensing (Scotland) Act 2010.
* Culpable and reckless endangering of the public.
* Culpable and reckless injury.
* Culpable homicide.
* Customs and Excise Management Act 1979: Section 170 and 170B.
* Finance Act 1996 (Landfill Tax offences under Schedule 5 Part 4).
* Fraud Act 2006: Section 1.
* Hamesucken (breaking into the home of an individual and assaulting him/her)
* Hate Crime and Public Order (Scotland) Act 2021.
* Health and Safety at Work etc. Act 1974.
* Legal Aid, Sentencing and Punishment of Offenders Act 2012: Section 146.
* Modern Slavery Act 2015.
* Murder
* Nature Conservation Scotland Act 2004.
* Occupiers Liability Scotland Act 1960.
* Offshore Safety Act 1992.
* Proceeds of Crime Act 2002 Part 7.
* Protection of badgers Act 1992.
* Public Order Act 1986.
* Sanctions and Money Laundering Act 2018.
* Serious Crime Act 2015.
* Sexual offences.
* Stalking.
* Stouthreif (assault while trespassing within the victim's home).
* Taxes Management Act 1970: Section 106A.
* The Management of Health and Safety at Work Regulations 1999.
* Theft Act 1968: Section 1, 8, 9, 10, 11, 17, 18, 22 and 25.
* Uttering threats.
* VAT Act 1994: Section 72.
* Vehicles (Crimes) Act 2001: Part 1.
* Wildlife and Countryside Act 1981.
* Wildlife and Natural Environment Scotland Act 2011.

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