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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 95**

**The Environmental Protection (Disposal of  
Polychlorinated Biphenyls and other Dangerous  
Substances) (Scotland) Regulations 2000**

**PART V**

**MISCELLANEOUS**

**Information for the public**

**11.**—(1) Subject to paragraphs (5) and (6), SEPA shall make available for public inspection, without charge, and at all reasonable hours, a copy of every inventory and revised inventory which it has compiled.

(2) The copy may be kept in any form but shall be indexed and arranged so that members of the public can readily trace information recorded in it.

(3) Subject to paragraphs (5) and (7), SEPA shall keep a register specifying the quantity, origin, nature and PCB content of used PCBs in respect of which copies of consignment notes specifying that information are furnished to it under regulations 5(4), 8(7) or 9(3) of the Special Waste Regulations 1996<sup>(1)</sup> by a person in the course of a business concerned with the disposal of PCBs.

(4) The register may be kept in any form and may, in particular, comprise copies, or extracts of copies, of consignment notes; but it shall be—

- (a) indexed and arranged so that members of the public can readily trace information recorded in it; and
- (b) made available for public inspection, without charge, at all reasonable hours.

(5) Nothing in paragraphs (1) or (3) shall require SEPA to make available information which—

- (a) is capable of being, or must be, treated as confidential for the purposes of regulation 4 of the Environmental Information Regulations 1992<sup>(2)</sup>; or
- (b) would be capable of being, or would have to be, treated as confidential for those purposes if it were information to which those Regulations applied.

(6) Nothing in paragraph (1) shall require SEPA to retain an inventory or revised inventory, as the case may be, which has been superseded by a revised inventory once 4 years have elapsed from the date on which the revised inventory or the most recent revised inventory, as the case may be, was compiled.

(7) The register mentioned in paragraphs (3) and (4) shall be kept until the first date after 31st December 2010 on which there is no entry therein.

(8) Until the date on which the register need no longer be kept in terms of paragraph (7), paragraphs (4), (5) and (6) of regulation 9 shall apply to a register of the number of persons in the

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(1) S.I.1996/972, to which there are amendments not relevant to these Regulations.

(2) S.I. 1992/3240, amended by S.I. 1998/1447.

course of a business concerned with the disposal of PCBs and the matters specified at paragraph (3) as they apply to an inventory of contaminated equipment compiled under regulation 9(1).

### **Payment of charges**

**12.** Where SEPA has fixed a charge under section 43 of the 1995 Act for a service or facility provided in the course of carrying out its functions in connection with these Regulations, the charge shall be paid—

- (a) where the service or facility is provided in connection with an application, at the time when the application is made;
- (b) in any other case, no later than the time when the service or facility is provided.

### **Offences and penalties**

**13.—(1)** A person who holds any contaminated equipment in contravention of regulation 3 is guilty of an offence.

(2) A person—

- (a) who holds PCBs or equipment in contravention of regulation 4(1); or
- (b) who, being the holder of PCBs or equipment to which regulation 4(2)(b) applies, fails to dispose of them in accordance with that sub-paragraph; or
- (c) who, being the holder of equipment, fails to decontaminate or dispose of that equipment—
  - (i) in a case to which regulation 4(3) applies, immediately after the end of its useful life;
  - (ii) in a case to which regulation 4(5) applies, in accordance with paragraph (8) of that regulation;
  - (iii) in a case to which regulation 4(9) applies, as soon as possible after the end of the useful life of the other equipment of which it forms part,

is guilty of an offence.

(3) A holder of equipment who fails to comply with regulation 4(4)(d) or regulation 5 is guilty of an offence.

(4) A person who—

- (a) supplies information in accordance with regulation 6(1) knowing it to be false or misleading in a material particular or recklessly supplies information which is false or misleading in a material particular;
- (b) fails without reasonable excuse to supply information in accordance with regulation 10(2) or notice under regulation 10(4); or
- (c) supplies such information knowing it to be false or misleading in a material particular or recklessly supplies information which is false or misleading in a material particular,

is guilty of an offence.

(5) A person guilty of an offence under paragraphs (1) or (2) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on indictment, to a fine or a term of imprisonment not exceeding two years, or to both.

(6) A person guilty of an offence under paragraphs (3) or (4) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on indictment, to a fine.

(7) Where an offence under any paragraph of this regulation committed by a body corporate or a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity (or, in the case of a partnership, a partner or person who was purporting to act as a partner), such person as well as the body corporate or the partnership, as the case may be, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(8) Where the affairs of a body corporate are managed by its members, paragraph (7) shall apply in relation to the acts or defaults of a member in connection with the functions of management of that member as if such member were a director of the body corporate.

### **Revocation of Regulations**

**14.**—(1) The Control of Pollution (Supply and Use of Injurious Substances) Regulations 1986<sup>(3)</sup>, as they extend to Scotland, are revoked, with effect from 1st January 2001.

(2) Regulation 2 (PCBs and PCTs) of the Environmental Protection (Controls on Injurious Substances) Regulations 1992<sup>(4)</sup>, as it extends to Scotland, is revoked, with effect from 1st January 2001.

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<sup>(3)</sup> S.I. 1986/902, amended by S.I. 1992/31.

<sup>(4)</sup> S.I. 1992/31.