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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

**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.