
STATUTORY INSTRUMENTS

2013 No. 3113

The Waste Electrical and Electronic
Equipment Regulations 2013

PART 14

OFFENCES AND PENALTIES

Offences

- 90.**—(1) A producer or authorised representative will be guilty of an offence if he—
- (a) contravenes or fails to comply with any requirements of regulation 11, 12, 13, 14, 15, 16, 17, 18, 19 or 20;
 - (b) furnishes information under regulation 16 or 18 and either—
 - (i) knows the information provided to be false or misleading in a material particular, or
 - (ii) furnishes such information recklessly and it is false or misleading in a material particular; or
 - (c) furnishes a declaration of compliance under regulation 19 and either—
 - (i) knows the information provided in, or in connection with, the declaration to be false or misleading in a material particular, or
 - (ii) furnishes such information recklessly and it is false or misleading in a material particular.
- (2) A producer or authorised representative will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 21, 22, 23 or 24.
- (3) An operator of a scheme will be guilty of an offence if he—
- (a) contravenes or fails to comply with any requirements of regulation 26, 27, 28, 29, 31, 32, 35, 36, 37, 38, 39, 40, 41 or 57;
 - (b) furnishes a report under either regulation 35 or 37; and 36 or 38 and either—
 - (i) knows the information provided in, or in connection with, the report to be false or misleading in a material particular, or
 - (ii) furnishes such information recklessly and it is false or misleading in a material particular; or
 - (c) furnishes a declaration of compliance under regulation 39 and either—
 - (i) knows the information provided in, or in connection with, the declaration to be false or misleading in a material particular, or
 - (ii) furnishes such information recklessly and it is false or misleading in a material particular.
- (4) An operator of a scheme will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 30.

(5) A distributor will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 42 or 69.

(6) A distributor will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 44 or 45.

(7) An operator of an AATF or an approved exporter is guilty of an offence if he—

- (a) contravenes or fails to comply with any requirements of regulation 54, 61, 63, 66 or 67; or
- (b) furnishes a report under regulation 66 and either—
 - (i) knows the information provided in, or in connection with, the report to be false or misleading in a material particular, or
 - (ii) furnishes such information recklessly and it is false or misleading in a material particular.

(8) A person will be guilty of an offence if he—

- (a) contravenes or fails to comply with any requirements of regulation 47, 51 or 60;
- (b) without reasonable cause, fails to comply with an enforcement notice served under regulation 88;
- (c) without reasonable cause, fails to comply with a requirement imposed under regulation 89;
- (d) intentionally obstructs any person acting in the execution of these Regulations;
- (e) without reasonable cause, fails to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the performance of his functions under these Regulations;
- (f) without reasonable cause, fails to produce information when required to do so to any person acting in the execution of these Regulations;
- (g) furnishes to any person acting in the execution of these Regulations any information which he—
 - (i) knows the information to be false or misleading in a material particular, or
 - (ii) furnishes such information recklessly and it is false or misleading in a material particular.

(9) A person will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 48.

(10) If an offence under these Regulations committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer, or
- (b) to be attributable to any neglect on the part of the officer,
- (c) the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(11) If the affairs of a body corporate are managed by its members, paragraph (10) applies in relation to the acts and defaults of a member in connection with the functions of management of that member as if the member were a director of the body.

(12) If an offence under these Regulations committed by a partnership is shown—

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to neglect on the part of a partner,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(13) If an offence under these Regulations committed by an unincorporated body, other than a partnership, is shown—

- (a) to have been committed with the consent or connivance of an officer of the body or a
 - (b) member of its governing body, or
 - (c) to be attributable to any neglect on the part of such an officer or member,
 - (d) that officer or member as well as the body is guilty of the offence and liable to be proceeded against and punished accordingly.
- (14) In this regulation—
- (a) “officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity; and
 - (b) “partner” includes a person purporting to act as a partner.

(15) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or have been attributable to neglect on the part of, any partner or a person who was purporting to act as such, that person as well as the partnership will be guilty of that offence and will be liable to be proceeded against and punished accordingly.

Penalties

91.—(1) A person who is guilty of an offence under regulation 90(1), (3), (5), (7), (8), (12), (13) or (15) will be liable—

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

(2) A person who is guilty of an offence under regulation 82(6), 89(10) or 90(2), (4), (6) or (9) will be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement of proceedings

92.—(1) In England and Wales a magistrates’ court may try an information, and in Northern Ireland a magistrates’ court may try a complaint, in relation to an offence under these Regulations if the information is laid or if the complaint is made within twelve months from the time when the offence is committed.

(2) In Scotland proceedings in relation to any offence which under these Regulations is triable only by way of summary proceedings, may be begun at any time within twelve months from the time when the offence is committed.

Review

93.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and

- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Consequential amendments

94. In section 56 (interpretation of Part 1) of the Environment Act 1995⁽¹⁾, in subsection (1) in the definition of “environmental licence” in the application of Part 1 of that Act in relation to the Environment Agency and the National Resources Body for Wales—

- (a) for paragraph (l) substitute “(l) approval of a scheme under regulation 55 of the Waste Electrical and Electronic Regulations 2013 (“the WEEE Regulations”).”
- (b) for paragraph (m) substitute “(m) compliance with the condition in regulation 57(f)(i) of the WEEE Regulations in relation to a scheme mentioned in paragraph (l).”
- (c) for paragraph (n) substitute “(n) approval of an authorised treatment facility or exporter under regulation 61 of the WEEE Regulations.”; and
- (d) for paragraph (o) substitute “(o) extension of approval of an exporter under regulation 62 of the WEEE Regulations.”.

(2) In the definition of “environmental licence” in the application of Part 1 of that Act in relation to the Scottish Environmental Protection Agency—

- (a) for paragraph (l) substitute “(l) approval of a scheme under regulation 55 of the Waste Electrical and Electronic Regulations 2013 (“the WEEE Regulations”).”
- (b) for paragraph (m) substitute “(m) compliance with the condition in regulation 57(f)(i) of the WEEE Regulations in relation to a scheme mentioned in paragraph (l).”
- (c) for paragraph (n) substitute “(n) approval of an authorised treatment facility or exporter under regulation 61 of the WEEE Regulations.”; and
- (d) for paragraph (o) substitute “(o) extension of approval of an exporter under regulation 62 of the WEEE Regulations.”.

Transitional provisions

95.—(1) Any application made or approval granted by an appropriate authority under regulations 10, 20 or 47 of the Waste Electrical and Electronic Equipment Regulations 2006 will continue to have effect as though it had been granted in accordance with these Regulations.

(2) Any environmental licence granted by an appropriate authority under regulation 4 of the Waste Electrical and Electronic Equipment Regulations 2006 will continue to have effect as though it had been granted under these Regulations.

Revocations and Savings

96.—(1) The following instruments are revoked by these Regulations—

- (a) The Waste Electrical and Electronic Equipment (Amendment) Regulations (SI 2007/3454);
- (b) The Waste Electrical and Electronic Equipment (Amendment) Regulations 2009 (SI 2009/2957);

(1) 1995 c. 25.

- (c) The Waste Electrical and Electronic Equipment (Amendment) (No. 2) Regulations 2009 ([SI 2009/3216](#));
 - (d) The Waste Electrical and Electronic Equipment (Amendment) Regulations 2010 ([SI 2010/1155](#));
- (2) Subject to paragraphs (3) and (4) the Waste Electrical and Electronic Equipment Regulations 2006 ([SI 2006/3289](#)) are revoked.
- (3) Regulation 4 of the Waste Electrical and Electronic Equipment Regulations 2006 ([SI 2006/3289](#)) will continue to have effect.
- (4) Regulation 66 and Schedule 11 of the Waste Electrical and Electronic Equipment Regulations 2006 will continue to have effect in respect of appeals commenced on or before 31st December 2013.
- (5) The provisions referred to in paragraphs (3) and (4) will continue to apply as they did immediately before their revocation for all of the purposes in relation to the collection, treatment and recycling of WEEE.