
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 235

The Landfill (Scotland) Regulations 2003

PART III

MISCELLANEOUS

Offences

19.—(1) It is an offence for a landfill operator to contravene—

- (a) regulation 11 or 14 in each case as applied by paragraph (3)(1)(a) of Schedule 5;
- (b) regulation 12 (1) or (2) as applied by paragraph 3(1)(b) of Schedule 5; or
- (c) paragraph 3(3) of Schedule 5.

(2) A person who is guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months or to both, and
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding five years or both.

(3) Where an offence under this regulation committed by a body corporate 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, that person as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Where the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if that member were a director of the body corporate.

(5) Where the commission by any person of an offence under this regulation is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against the first-mentioned person.

Transitional Provisions

20. Schedule 5 (which contains transitional provisions) has effect.

Amendments

21. Schedule 6 (which makes amendments to other legislation) has effect.