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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 157**

**The Landfill Allowances Scheme (Scotland) Regulations 2005**

**PART 5**

**Penalties**

**Penalties: exceeding allowances**

**19.**—(1) The penalty to which a waste disposal authority is liable under section 9(2) of the Act is the excess landfill for that waste disposal authority multiplied by:—

- (a) £10 in respect of the scheme year which begins on 1st April 2005;
- (b) £25 in respect of the scheme year which begins on 1st April 2006;
- (c) £50 in respect of the scheme year which begins on 1st April 2007; and
- (d) £150 in respect of all subsequent scheme years.

(2) For the purposes of paragraph (1) “excess landfill” means, for a scheme year, the amount in tonnes by which biodegradable municipal waste sent to landfills by the waste disposal authority, as calculated under regulation 14(1)(a), exceeds the landfill allowances available to the authority.

(3) The supplementary penalty (“SP”) to which a waste disposal authority is liable under section 9(3) of the Act is the greater of—

- (a)  $SP = Fx (T1/T2) - P$

where for the target year—

F is the amount of any fine imposed on the United Kingdom in respect of the United Kingdom’s obligations under Article 5(2) of the Landfill Directive,

T1 is the amount in tonnes by which biodegradable municipal waste sent to landfills by the waste disposal authority, as calculated under regulation 14(1)(a), exceeds the landfill allowances available to the authority,

T2 is the amount in tonnes by which biodegradable municipal waste sent to landfills in the United Kingdom exceeds the maximum amount specified under section 1(1) (a) of the Act, and

P is the amount of any penalty already paid by a waste disposal authority under regulation 21 in respect of that year; or

- (b) £1000.

(4) The supplementary penalty (“SP”) to which a waste disposal authority is liable under section 9(4) of the Act is the greater of—

- (a)  $SP = Fx (T1/T2) - P$

where—

F is, for the scheme year, the amount of any fine imposed on the United Kingdom in respect of the United Kingdom's obligations under Article 5(2) of the Landfill Directive,

T1 is, for the scheme year, the amount in tonnes by which biodegradable municipal waste sent to landfills by the waste disposal authority, as calculated under regulation 14(1)(a), exceeds the landfill allowances available to the authority,

T2 is the amount in tonnes by which biodegradable municipal waste sent to landfills in the United Kingdom in the scheme year exceeds the maximum amount specified under section 1(1)(a) of the Act in respect of the last target year before the scheme year, and

P is the amount of any penalty already paid by a waste disposal authority under regulation 21 in respect of that year; or

(b) £1000.