
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 435

The Waste Information (Scotland) Regulations 2010

Offences and penalties

6.—(1) It is an offence for a person—

- (a) to fail, without reasonable excuse, to comply with the duty imposed by regulation 5;
- (b) to make a statement in purported compliance with that duty which that person knows to be false or misleading in a material particular, or recklessly to make such a statement which is false or misleading in a material particular.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Where—

- (a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association;
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
 - (i) a relevant individual; or
 - (ii) an individual purporting to act in the capacity of a relevant individual,

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

(4) In paragraph (3), “relevant individual” means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.