

SCHEDULE 2

Relevant Offences for the Purposes of Section 35 (fines: court to consider financial benefits)

The Waste Batteries and Accumulators Regulations 2009

16. An offence under any of the following provisions of the Waste Batteries and Accumulators Regulations 2009⁽¹⁾—

- (a) regulation 89(1)(a)(i) to (xi) (producer failing to comply with requirements etc.);
- (b) regulation 89(1)(b) (false or misleading information) insofar as it relates to information furnished under regulation 11 (information provided to operators of battery compliance schemes), 27 (application by a small producer to register) or 29 (notification of changes to registration details);
- (c) regulation 89(1)(c) (false or misleading information);
- (d) regulation 89(1)(d) (false or misleading information) insofar as it relates to reports furnished under regulation 13 (reporting: portable batteries placed on the market by a small producer) or 16(5) or (6) (reporting portable batteries);
- (e) regulation 89(2) (failure to comply with requirements etc.);
- (f) regulation 89(4) (approved battery treatment operator or exporter failing to comply with requirements etc.);
- (g) regulation 89(6)(a) (disposing waste automotive and industrial batteries in landfill or by incineration);
- (h) regulation 89(6)(b) (failure to comply with requirements etc.);
- (i) regulation 89(6)(c) (disclosing information in contravention of regulation 82) insofar as the information disclosed under or by virtue of regulation 82(1) was disclosed by SEPA;
- (j) regulation 89(6)(d) (failure to comply with an enforcement notice) insofar as the enforcement notice was served by SEPA;
- (k) regulation 89(6)(e) (failure to comply with a requirement; powers of entry and inspection) insofar as the requirement was imposed by an enforcement officer authorised by SEPA⁽²⁾;
- (l) regulation 89(6)(h) (failure to produce records or information) insofar as the requirement to produce a record or information was imposed by an enforcement officer authorised by SEPA;
- (m) regulation 89(6)(i) (false and misleading information to an enforcement officer) insofar as the information was provided to an enforcement officer authorised by SEPA or a person accompanying such an officer.

(1) S.I. 2009/890, to which there are amendments not relevant to this Order.

(2) Regulation 88(11) of S.I. 2009/890 provides for the meaning of “enforcement officer”.