

SCHEDULE 2

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

The Environmental Protection Act 1990

4. An offence under any of the following provisions of the Environmental Protection Act 1990⁽¹⁾—

- (a) section 33(6) (unauthorised or harmful depositing, treatment or disposal etc. of waste; breaching conditions of a waste management licence)⁽²⁾;
- (b) section 34(6) (failure to comply with duty of care requirements)⁽³⁾;
- (c) section 35(7B) (waste management licences: false entry in records, and forgery of licences etc.)⁽⁴⁾;
- (d) section 38(10) or (11) (failure to comply with measures required following suspension of licence);
- (e) section 44(1) or (2) (making false or misleading statements or false entries)⁽⁵⁾;
- (f) section 59(5) (failure to comply with notice requiring removal of waste);
- (g) section 63(2) (offences in relation to depositing waste other than controlled waste);
- (h) section 71(3) (failure to comply with information notice)⁽⁶⁾;
- (i) section 78M(1) (failure to comply with a remediation notice)⁽⁷⁾.

(1) 1990 c.43.

(2) Section 33 was relevantly amended by S.S.I. 2009/247 and S.S.I. 2011/226.

(3) Section 34 was relevantly amended by S.S.I. 2000/323, S.S.I. 2011/226, S.S.I. 2012/148, S.S.I. 2012/360 and S.S.I. 2005/22.

(4) Subsection (7B) was inserted by paragraph 66(2) of Schedule 22 to the 1995 Act.

(5) Section 44 was substituted by paragraph 4(1) of Schedule 19 to the 1995 Act.

(6) Section 71 was relevantly amended by paragraph 86(1) and (2) of Schedule 22, and paragraph 1 of Schedule 24, to the 1995 Act.

(7) Section 78M was inserted by section 57 of the Environment Act 1995 (c.25) and extended by regulation 2 of S.S.I. 2007/179 so that it has effect in relation to harm or, subject to an exception in regulation 2(2), pollution of the water environment, so far as attributable to radioactivity possessed by any substance.