
STATUTORY INSTRUMENTS

2000 No. 1973

**The Pollution Prevention and Control
(England and Wales) Regulations 2000**

PART VI

PROVISION AS TO OFFENCES

Offences

32.—(1) It is an offence for a person—

- (a) to contravene regulation 9(1);
- (b) to fail to comply with or to contravene a condition of a permit;
- (c) to fail to comply with regulation 16(1);
- (d) to fail to comply with the requirements of an enforcement notice or a suspension notice;
- (e) to fail, without reasonable excuse, to comply with any requirement imposed by a notice under regulation 28(2);
- (f) to make a statement which he knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in a material particular, where the statement is made—
 - (i) in purported compliance with a requirement to furnish any information imposed by or under any provision of these Regulations; or
 - (ii) for the purpose of obtaining the grant of a permit to himself or any other person, or the variation, transfer or surrender of a permit;
- (g) intentionally to make a false entry in any record required to be kept under the condition of a permit;
- (h) with intent to deceive, to forge or use a document issued or authorised to be issued under a condition of a permit or required for any purpose under a condition of a permit or to make or have in his possession a document so closely resembling any such document as to be likely to deceive;
- (i) to fail to comply with an order made by a court under regulation 35.

(2) A person guilty of an offence under sub-paragraph (a), (b), (d) or (i) of paragraph (1) shall be 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;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or to both.

(3) A person guilty of an offence under sub-paragraph (c), (e) and (f) to (h) of paragraph (1) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(4) 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, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where the affairs of a body corporate are managed by its members, paragraph (4) shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(6) 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.

Enforcement by High Court

33. If the regulator is of the opinion that proceedings for an offence under regulation 32(1)(d) would afford an ineffectual remedy against a person who has failed to comply with the requirements of an enforcement notice or a suspension notice, the regulator may take proceedings in the High Court for the purpose of securing compliance with the notice.

Admissibility of evidence

34. Where —

- (a) by virtue of a condition of a permit granted by a local authority regulator an entry is required to be made in any record as to the observance of any condition of the permit; and
- (b) the entry has not been made,

that fact shall be admissible as evidence that that condition has not been observed.

Power of court to order cause of offence to be remedied

35.—(1) Where a person is convicted of an offence under regulation 32(1)(a), (b) or (d) in respect of any matters which appear to the court to be matters which it is in his power to remedy, the court may, in addition to or instead of imposing any punishment, order him, within such time as may be fixed by the order, to take such steps as may be specified in the order for remedying those matters.

(2) The time fixed by an order under paragraph (1) may be extended or further extended by order of the court on an application made before the end of the time as originally fixed or extended under this paragraph, as the case may be.

(3) Where a person is ordered under paragraph (1) to remedy any matters, that person shall not be liable under regulation 32 in respect of those matters in so far as they continue during the time fixed by the order or any further time allowed under paragraph (2).