



## 2011 CHAPTER 5

### *Waste*

#### **Offence of failing to pay charge for subsistence of licence**

**3.** In Article 15 of the 1997 Order (fees and charges for licences) after paragraph (5) insert—

“(5A) If the holder of a licence fails to pay a charge due in consideration of the subsistence of the licence, the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5B) If the failure to pay continues after conviction of an offence under paragraph (5A), the offender shall be guilty of a further offence and shall be liable on summary conviction to an additional fine not exceeding one-tenth of level 5 on the standard scale for each day on which the offence is continued.

(5C) The court by which the holder of a licence is convicted of an offence under paragraph (5A) or (5B) may order the holder of the licence to pay to the Department any amount outstanding as at the date of conviction in respect of—

- (a) any charge due in consideration of the subsistence of the licence; and
- (b) any expenditure incurred by the Department under Article 16(2) in relation to—
  - (i) the land or mobile plant to which the licence relates; or
  - (ii) any equipment on the land to which the licence relates;

and any amount so ordered to be paid to the Department is enforceable in the same manner as any other sum adjudged to be paid by a conviction of that court.”.