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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 69**

**The Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order 2023**

**Amendment of the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015**

2.—(1) The Environmental Regulation (Enforcement Measures) (Scotland) Order 2015(1) is amended in accordance with paragraphs (2) and (3).

(2) In the table in schedule 4 (relevant offences and fixed penalty amounts), under the heading Deposit Return Scheme for Scotland Regulations 2020, after the fifth row (Regulation 31(1) (e) (contravention of regulations 5(3) (requirement to communicate certain information when marketing, offering for sale or selling a scheme article))), insert (as a new row and in the appropriate columns)—

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Regulation 31(1)(f) (contravention of regulation 5(3A) (requirement to communicate certain information when marketing, offering for sale, or selling a non-scheme article to a purchaser other than a consumer))	YES	YES	YES	MEDIUM
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(3) At the end of the table in schedule 4, after the final row insert (as new rows and in the appropriate columns)—

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**The Packaging Waste (Data Reporting) (Scotland) Regulations 2023(2)**

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Regulation 28(1) (contravention of regulation 14(3) (incapacity reporting obligation))	YES	YES	YES	LOW
Regulation 28(2) (a) (contravention	YES	YES	YES	MEDIUM

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(1) [S.S.I. 2015/383](#) as amended by [S.S.I. 2016/161](#), [S.I. 2017/1200](#), [S.S.I. 2018/219](#), [S.S.I. 2020/155](#) and [S.S.I. 2021/412](#).

(2) [S.S.I. 2023/7](#).

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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of regulation 16 (data collection obligations))				
Regulation 28(2) (b) (contravention of regulation 17 (data reporting obligations))	YES	YES	YES	MEDIUM
Regulation 28(2) (c) (contravention of regulation 18 (notification of winding-up, receivership, administration etc.))	YES	YES	YES	LOW
Regulation 28(3)(a) (contravention of regulation 20(1) (data reporting obligations))	YES	YES	YES	MEDIUM
Regulation 28(3)(b) (contravention of regulation 20(2) (data collection obligation))	YES	YES	YES	MEDIUM
Regulation 28(4) (a) (knowingly furnishing false or misleading information to SEPA)	YES	YES	YES	HIGH
Regulation 28(4) (b) (recklessly furnishing false or misleading information to SEPA)	YES	YES	YES	HIGH
Regulation 28(5) (failing to comply with any requirement imposed in a notice under regulation 23(3))	YES	YES	YES	MEDIUM
Regulation 28(6) (intentionally	YES	NO	NO	LOW

delaying or  
obstructing a  
person authorised  
by SEPA in  
the exercise of  
powers referred to  
in regulation 26)

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