
STATUTORY INSTRUMENTS

2002 No. 1559

The Landfill (England and Wales) Regulations 2002

PART III

MISCELLANEOUS

Offences

17.—(1) It shall be an offence for a landfill operator to contravene—

- (a) regulation 9 or 12 in each case as applied by paragraph 3(3)(a) of Schedule 4;
- (b) regulation 10(1) or (2) in both cases as applied by paragraph 3(3)(b) of Schedule 4; or
- (c) paragraph 3(5) of Schedule 4.

(2) A person who is guilty of an offence under 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; and
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or to both.

(3) 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.

(4) Where the affairs of a body corporate are managed by its members, paragraph (3) 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.

(5) 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.