
STATUTORY INSTRUMENTS

2007 No. 3538

The Environmental Permitting
(England and Wales) Regulations 2007

PART 4

Enforcement and offences

Offences

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

- (a) to contravene, or knowingly cause or knowingly permit the contravention of, regulation 12;
- (b) to fail to comply with or to contravene an environmental permit condition;
- (c) to fail to comply with the requirements of an enforcement notice, a suspension notice or a landfill closure notice;
- (d) to fail to comply with a notice under regulation 60(2) requiring the provision of information, without reasonable excuse;
- (e) 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 provide information imposed by or under a provision of these Regulations, or
 - (ii) for the purpose of obtaining the grant of an environmental permit to himself or another person, or the variation, transfer in whole or in part, or surrender in whole or in part of an environmental permit;
- (f) intentionally to make a false entry in a record required to be kept under an environmental permit condition;
- (g) with intent to deceive—
 - (i) to forge or use a document issued or authorised to be issued or required for any purpose under an environmental permit condition, or
 - (ii) to make or have in his possession a document so closely resembling such a document as to be likely to deceive.

(2) It is an offence for an establishment or undertaking to—

- (a) fail to comply with paragraph 9 or 12(3) of Schedule 2; or
- (b) intentionally make a false entry in a record required to be kept under paragraph 12(3) of Schedule 2.

(3) If an offence committed by a person under this regulation is due to the act or default of some other person, that other person is also guilty of the offence and liable to be proceeded against and punished accordingly.