
STATUTORY INSTRUMENTS

2013 No. 3113

The Waste Electrical and Electronic
Equipment Regulations 2013

PART 14

OFFENCES AND PENALTIES

Offences

- 90.**—(1) A producer or authorised representative will be guilty of an offence if he—
- (a) contravenes or fails to comply with any requirements of regulation 11, 12, 13, 14, 15, 16, 17, 18, 19 or 20;
 - (b) furnishes information under regulation 16 or 18 and either—
 - (i) knows the information provided to be false or misleading in a material particular, or
 - (ii) furnishes such information recklessly and it is false or misleading in a material particular; or
 - (c) furnishes a declaration of compliance under regulation 19 and either—
 - (i) knows the information provided in, or in connection with, the declaration to be false or misleading in a material particular, or
 - (ii) furnishes such information recklessly and it is false or misleading in a material particular.
- (2) A producer or authorised representative will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 21, 22, 23 or 24.
- (3) An operator of a scheme will be guilty of an offence if he—
- (a) contravenes or fails to comply with any requirements of regulation 26, 27, 28, 29, 31, 32, 35, 36, 37, 38, 39, 40, 41 or 57;
 - (b) furnishes a report under either regulation 35 or 37; and 36 or 38 and either—
 - (i) knows the information provided in, or in connection with, the report to be false or misleading in a material particular, or
 - (ii) furnishes such information recklessly and it is false or misleading in a material particular; or
 - (c) furnishes a declaration of compliance under regulation 39 and either—
 - (i) knows the information provided in, or in connection with, the declaration to be false or misleading in a material particular, or
 - (ii) furnishes such information recklessly and it is false or misleading in a material particular.
- (4) An operator of a scheme will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 30.

(5) A distributor will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 42 or 69.

(6) A distributor will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 44 or 45.

(7) An operator of an AATF or an approved exporter is guilty of an offence if he—

(a) contravenes or fails to comply with any requirements of regulation 54, 61, 63, 66 or 67; or

(b) furnishes a report under regulation 66 and either—

(i) knows the information provided in, or in connection with, the report to be false or misleading in a material particular, or

(ii) furnishes such information recklessly and it is false or misleading in a material particular.

(8) A person will be guilty of an offence if he—

(a) contravenes or fails to comply with any requirements of regulation 47, 51 or 60;

(b) without reasonable cause, fails to comply with an enforcement notice served under regulation 88;

(c) without reasonable cause, fails to comply with a requirement imposed under regulation 89;

(d) intentionally obstructs any person acting in the execution of these Regulations;

(e) without reasonable cause, fails to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the performance of his functions under these Regulations;

(f) without reasonable cause, fails to produce information when required to do so to any person acting in the execution of these Regulations;

(g) furnishes to any person acting in the execution of these Regulations any information which he—

(i) knows the information to be false or misleading in a material particular, or

(ii) furnishes such information recklessly and it is false or misleading in a material particular.

(9) A person will be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 48.

(10) If an offence under these Regulations committed by a body corporate is shown—

(a) to have been committed with the consent or connivance of an officer, or

(b) to be attributable to any neglect on the part of the officer,

(c) the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(11) If the affairs of a body corporate are managed by its members, paragraph (10) applies in relation to the acts and defaults of a member in connection with the functions of management of that member as if the member were a director of the body.

(12) If an offence under these Regulations committed by a partnership is shown—

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to neglect on the part of a partner,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(13) If an offence under these Regulations committed by an unincorporated body, other than a partnership, is shown—

- (a) to have been committed with the consent or connivance of an officer of the body or a
- (b) member of its governing body, or
- (c) to be attributable to any neglect on the part of such an officer or member,
- (d) that officer or member as well as the body is guilty of the offence and liable to be proceeded against and punished accordingly.

(14) In this regulation—

- (a) “officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity; and
- (b) “partner” includes a person purporting to act as a partner.

(15) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or have been attributable to neglect on the part of, any partner or a person who was purporting to act as such, that person as well as the partnership will be guilty of that offence and will be liable to be proceeded against and punished accordingly.