
WELSH STATUTORY INSTRUMENTS

2005 No. 1806

The Hazardous Waste (Wales) Regulations 2005

PART 10

ENFORCEMENT

Fixed penalties

70.—(1) Where an authorised person acting on behalf of the Agency has reason to believe that a person has committed an offence under regulation 65 to which this regulation applies, the authorised person may give that person a notice offering that person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(2) This regulation applies to an offence consisting of—

- (a) a failure to comply with any requirement of; or
- (b) making a false or misleading statement in purported compliance with,

any of the regulations listed in regulation 69(1)(a) to (i).

(3) Where a person is given a notice under this regulation in respect of an offence—

- (a) no proceedings may be instituted for that offence before the expiration of twenty eight days following the date of the notice; and
- (b) he or she may not be convicted of that offence if he or she pays the fixed penalty before the expiration of that period.

(4) A notice under this regulation must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and must state—

- (a) the period during which, by virtue of paragraph (3), proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the name of the person to whom and the address at which the fixed penalty may be paid.

(5) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).

(6) Where a letter is sent in accordance with paragraph (5) payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) A fixed penalty notice issued pursuant to this section must be in the form set out in Schedule 10.

(8) The fixed penalty payable in pursuance of a notice under this regulation is £300; and as respects the sums received by or on behalf of the Agency, those sums must be paid to the Assembly.

(9) In any proceedings a certificate which—

- (a) purports to be signed by or on behalf of the chief finance officer of the Agency;

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
is evidence of the facts stated.

(10) In paragraph (9), “chief finance officer” means the person having responsibility for the financial affairs of the Agency.