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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 235**

**The Landfill (Scotland) Regulations 2003**

**PART III**

**MISCELLANEOUS**

**Offences**

- 19.**—(1) It is an offence for a landfill operator to contravene—
- (a) regulation 11 or 14 in each case as applied by paragraph (3)(1)(a) of Schedule 5;
  - (b) regulation 12 (1) or (2) as applied by paragraph 3(1)(b) of Schedule 5; or
  - (c) paragraph 3(3) of Schedule 5.
- (2) A person who is guilty of an offence under paragraph (1) is liable—
- (a) on summary conviction, to a fine not exceeding [<sup>F1</sup>£40,000] or to imprisonment for a term not exceeding six months or to both, and
  - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding five years or both.
- [<sup>F2</sup>(3) where an offence under this regulation committed—
- (a) by a body corporate, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
    - (i) is a director, manager or secretary of the body corporate; or
    - (ii) purports to act in any such capacity; or
  - (b) by a Scottish partnership, is committed with the consent or connivance of, or is attributable to any neglect on the part of, a person who—
    - (i) is a partner; or
    - (ii) purports to act in that capacity,that person as well as the body corporate or Scottish partnership is guilty of the offence and is liable to be proceeded against and punished accordingly.]
- (4) Where the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if that member 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.

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**Changes to legislation:** There are currently no known outstanding effects for the The Landfill (Scotland) Regulations 2003, PART III. (See end of Document for details)

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**Textual Amendments**

- F1** Sum in reg. 19(2)(a) substituted (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), s. 145(2), **Sch. 2 para. 8**; S.S.I. 2004/420, art. 3, Sch. 1
- F2** Reg. 19(3) substituted (1.7.2003) by [The Landfill \(Scotland\) Amendment Regulations 2003 \(S.S.I. 2003/343\)](#), regs. 1(1), 4

**Transitional Provisions**

- 20.** Schedule 5 (which contains transitional provisions) has effect.

**Amendments**

- 21.** Schedule 6 (which makes amendments to other legislation) has effect.

**Changes to legislation:**

There are currently no known outstanding effects for the The Landfill (Scotland) Regulations 2003, PART III.