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STATUTORY INSTRUMENTS

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**2006 No. 3289**

The Waste Electrical and Electronic  
Equipment Regulations 2006

PART 14

OFFENCES AND PENALTIES

**Offences**

- 73.—(1) A producer shall be guilty of an offence if he—
- (a) contravenes or fails to comply with any requirements of regulation 8, 9, 10, 11, 12 or 13;
  - (b) furnishes information under regulation 11 and either—
    - (i) knows the information provided to be false in a material particular, or
    - (ii) furnishes such information recklessly and it is false and misleading in a material particular; or
  - (c) furnishes a declaration of compliance under regulation 12 and either—
    - (i) knows the information provided in, or in connection with, the declaration to be false in a material particular, or
    - (ii) furnishes such information recklessly and it is false and misleading in a material particular.
- (2) A producer shall be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 14, 15, 16, 17, 18 or 40(3).
- (3) An operator of a scheme shall be guilty of an offence if he—
- (a) contravenes or fails to comply with any requirements of regulation 20, 21, 22, 23, 25, 26, 27, 28, 29 or 30;
  - (b) furnishes a report under regulation 27 or 28 and either—
    - (i) knows the information provided in, or in connection with, the report to be false in a material particular, or
    - (ii) furnishes such information recklessly and it is false and misleading in a material particular; or
  - (c) furnishes a declaration of compliance under regulation 29 and either—
    - (i) knows the information provided in, or in connection with, the declaration to be false in a material particular, or
    - (ii) furnishes such information recklessly and it is false and misleading in a material particular.
- (4) An operator of a scheme shall be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 24.

(5) A distributor shall be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 31.

(6) A distributor shall be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 33 or 34.

(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 49, 52 or 53; or
- (b) furnishes a report under regulation 52 and either—
  - (i) knows the information provided in, or in connection with, the report to be false in a material particular, or
  - (ii) furnishes such information recklessly and it is false and misleading in a material particular.

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

- (a) contravenes or fails to comply with any requirements of regulation 36, 40(1) or 46;
- (b) without reasonable cause, fails to comply with an enforcement notice served under regulation 71;
- (c) without reasonable cause, fails to comply with a requirement imposed under regulation 72;
- (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 shall be guilty of an offence if he contravenes or fails to comply with any requirements of regulation 37.

(10) 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 shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## **Penalties**

**74.—**(1) A person who is guilty of an offence under regulation 73(1), (3), (5), (7) or (8) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(2) A person who is guilty of an offence under regulation 40(4), 72(8) or 73(2), (4), (6) or (9) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Commencement of proceedings**

**75.**—(1) In England and Wales a magistrates' court may try an information, and in Northern Ireland a magistrates' court may try a complaint, in relation to an offence under these Regulations if the information is laid or if the complaint is made within twelve months from the time when the offence is committed.

(2) In Scotland summary proceedings in relation to an offence under these Regulations may be begun at any time within twelve months from the time when the offence is committed.