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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2014 No.**

**The Single Use Carrier Bags  
Charge (Scotland) Regulations 2014**

**PART 4**

**Offences and enforcement**

**Offences**

- 12.**—(1) It is an offence for a supplier of a single use carrier bag to contravene regulation 6.
- (2) It is an offence for a supplier to whom Part 3 applies—
- (a) to contravene, without reasonable excuse, regulation 10;
  - (b) to knowingly or recklessly make a false entry in a record;
  - (c) to fail, without reasonable excuse, to comply with a request under regulation 11;
  - (d) to knowingly or recklessly give false or misleading information to the enforcement authority; or
  - (e) to otherwise obstruct or fail to assist the enforcement authority in the exercise of its functions under these Regulations.
- (3) A person guilty of an offence under paragraph (1) or (2) is liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; and
  - (b) on conviction on indictment to a fine.
- (4) Where a supplier is charged with an offence under paragraph (1), it is a defence for the supplier to show that the supplier took all reasonable precautions and exercised all due diligence to prevent the offence being committed.
- (5) Where—
- (a) an offence has been committed by a body corporate or a Scottish partnership or other unincorporated association; and
  - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
    - (i) a relevant individual; or
    - (ii) an individual purporting to act in the capacity of a relevant individual,the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.
- (6) In paragraph (5), “relevant individual” means—
- (a) in relation to a body corporate—
    - (i) a director, manager, secretary or other similar officer of the body;
    - (ii) where the affairs of the body are managed by its members, a member;

- (b) in relation to a Scottish partnership, a partner;
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.