
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 161

**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.