

SCOTTISH STATUTORY INSTRUMENTS

2020 No. 155

The Environmental Regulation (Enforcement Measures) (Scotland) Amendment Order 2020

Amendment of the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015

2.—(1) The Environmental Regulation (Enforcement Measures) (Scotland) Order 2015(1) is amended in accordance with paragraph (2).

(2) At the end of the table in schedule 4 (relevant offences and fixed penalty amounts), after the final row insert (as a new row and in the appropriate columns)—

“The Deposit and Return Scheme for Scotland Regulations 2020(2)

Regulation 31(1)(a) (contravention of regulation 4(1) (requirement to fulfil certain conditions in order to market, offer for sale or sell a scheme article))	YES	YES	YES	MEDIUM
Regulation 31(1)(b) (contravention of regulation 4(2) (requirement to fulfil certain conditions in order to market, offer for sale or sell a scheme article))	YES	YES	YES	MEDIUM
Regulation 31(1)(c) (contravention of regulation 5(2) (a) (requirement to charge a deposit when marketing, offering for sale or selling a scheme article in Scotland))	YES	YES	YES	MEDIUM
Regulation 31(1)(d) (contravention of regulation 5(2) (b) (requirement to display certain information when marketing, offering for sale or selling a scheme article))	YES	YES	YES	LOW
Regulation 31(1)(e) (contravention of regulation 5(3) (requirement to communicate certain information when marketing, offering for sale or selling a scheme article))	YES	YES	YES	LOW
Regulation 31(2) (offences in relation to knowingly or recklessly supplying of false information)	YES	YES	YES	HIGH
Regulation 31(3)(a) (contravention of regulation 9(7) (a) (failure to comply with certain obligations of a producer whose registration has been cancelled))	YES	YES	YES	LOW
Regulation 31(3)(b) (contravention of regulation 9(7) (b) (failure to comply with certain obligations of a producer whose registration has been cancelled))	YES	YES	YES	MEDIUM
Regulation 31(4) (contravention of regulation 10(1)(b) and (c) (failure to provide certain information to SEPA))	YES	YES	YES	LOW

(1) [S.S.I. 2015/383](#), relevantly amended by [S.S.I. 2016/161](#), [S.I. 2017/1200](#) and [S.S.I. 2018/219](#).

(2) [S.S.I. 2020/154](#).

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Regulation 31(5)(a) (failure to comply with certain obligations of a directly registered producer under regulation 11(1)(a) and (b))	YES	YES	YES	LOW
Regulation 31(5)(b) (failure to comply with certain obligations of a directly registered producer under regulation 11(1)(c) to (h))	YES	YES	YES	MEDIUM
Regulation 31(6) (failure to comply with certain obligations of a producer registered through a scheme administrator)	YES	YES	YES	LOW
Regulation 31(7)(a) (failure by a scheme administrator to comply with the obligations in regulation 16(1)(a)(i))	YES	YES	YES	LOW
Regulation 31(7)(b) (failure by a scheme administrator to comply with the obligation in regulation 16(1)(a)(ii))	YES	YES	YES	MEDIUM
Regulation 31(7)(c) (failure by a scheme administrator to comply with the obligations in regulation 16(1)(b))	YES	YES	YES	LOW
Regulation 31(7)(d) (failure by a scheme administrator to comply with the obligation in regulation 16(1)(c))	YES	YES	YES	MEDIUM
Regulation 31(8)(a)(i) (failure by a retailer to comply with regulation 19(1)(b))	YES	YES	YES	MEDIUM
Regulation 31(8)(a)(ii) (failure by a retailer to comply with regulation 21(2))	YES	YES	YES	MEDIUM
Regulation 31(8)(a)(iii) (failure by a retailer to comply with regulation 22(4)(b))	YES	YES	YES	MEDIUM
Regulation 31(8)(b) (failure by a retailer to comply with regulation 19(1)(c))	YES	YES	YES	LOW
Regulation 31(8)(c) (failure by a retailer to comply with regulation 21(4))	YES	YES	YES	MEDIUM
Regulation 31(8)(d) (failure by a retailer to comply with regulation 22(4)(a))	YES	YES	YES	LOW
Regulation 31(9)(a) (failure by a return point operator to comply with regulation 20(2))	YES	YES	YES	MEDIUM
Regulation 31(9)(b) (failure by a return point operator to comply with regulation 20(3))	YES	YES	YES	LOW
Regulation 31(10) (failure by a voluntary return point operator to comply with regulation 25(8)(b))	YES	YES	YES	MEDIUM
Regulation 31(11) (obstruction of, or failure to assist an authorised person exercising enforcement powers under regulation 30(4))	YES	NO	NO	LOW
Regulation 31(12) (failure to comply with a notice under regulation 30(4)(l))	YES	YES	YES	LOW
Regulation 31(13) (purporting to act as a scheme administrator without approval under regulation 15)	YES	NO	NO	LOW

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