
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 7

**The Packaging Waste (Data Reporting)
(Scotland) Regulations 2023**

PART 5

Enforcement

Offences and penalties

28.—(1) A person who contravenes the requirement in regulation 14(3) (notice to SEPA) commits an offence.

(2) A producer who contravenes a requirement of—

- (a) regulation 16 (data collection obligations),
- (b) regulation 17 (data reporting obligations),
- (c) regulation 18 (notification of winding-up, receivership, administration etc.),

commits an offence.

(3) The operator of a registered scheme who contravenes a requirement under—

- (a) regulation 20(1) (data reporting obligations),
- (b) regulation 20(2) (data collection obligations),

commits an offence.

(4) A person who furnishes any information to SEPA in connection with SEPA's functions under these Regulations commits an offence if, in furnishing the information, that person—

- (a) knows the information to be false or misleading in a material particular,
- (b) provides such information recklessly, and the information is false or misleading in a material particular.

(5) A person who fails without reasonable excuse to comply with any requirement imposed in a notice under regulation 23(3) commits an offence.

(6) A person who intentionally delays or obstructs a person authorised by SEPA in the exercise of powers referred to in regulation 26 commits an offence.

(7) A person who commits an offence under any of paragraphs (1) to (6) is liable—

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

(8) Subsection (9) applies where—

- (a) an offence under these Regulations is committed by a relevant organisation, and
- (b) the commission of the offence involves the connivance or consent of, or is attributable to the neglect of —

(i) a responsible official of the relevant organisation, or

(ii) an individual purporting to act in the capacity of a responsible official.

(9) The responsible official (or, as the case may be, the individual purporting to act in that capacity), as well as the relevant organisation commits the offence.

(10) In this regulation —

“relevant organisation” means —

- (a) a company,
- (b) a partnership (including a limited liability partnership),
- (c) another body or association,

“a responsible official” means—

- (a) in the case of a body corporate—
 - (i) a director, , secretary, manager or similar officer, or,
 - (ii) where the affairs of the body are managed by its members, a member,
- (b) in the case of a limited liability partnership, a member,
- (c) in the case of a partnership other than a limited liability partnership, a partner,
- (d) in the case of another body or association, a person who is concerned in the management or control of its affairs.