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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

**The Environmental Permitting  
(England and Wales) Regulations 2010**

**PART 4**

**Enforcement and offences**

**Offences**

**38.**—(1) It is an offence for a person to—

- (a) contravene regulation 12(1); or
- (b) knowingly cause or knowingly permit the contravention of regulation 12(1)(a).

(2) It is an offence for a person to fail to comply with or to contravene an environmental permit condition.

(3) It is an offence for a person to fail to comply with the requirements of an enforcement notice or of a prohibition notice, suspension notice, landfill closure notice or mining waste facility closure notice.

(4) It is an offence for a person—

- (a) to fail to comply with a notice under regulation 60(1) requiring the provision of information, without reasonable excuse;
- (b) to make a statement which the person knows to be false or misleading in a material particular, or recklessly to make a statement which is false or misleading in a material particular, where the statement is made—
  - (i) in purported compliance with a requirement to provide information imposed by or under a provision of these Regulations,
  - (ii) for the purpose of obtaining the grant of an environmental permit to any person, or the variation, transfer in whole or in part, or surrender in whole or in part of an environmental permit, or
  - (iii) for the purpose of obtaining, renewing or amending the registration of an exempt facility;
- (c) intentionally to make a false entry in a record required to be kept under an environmental permit condition;
- (d) with intent to deceive—
  - (i) to forge or use a document issued or authorised to be issued or required for any purpose under an environmental permit condition, or
  - (ii) to make or have in the person's possession a document so closely resembling such a document as to be likely to deceive.

(5) It is an offence for an establishment or undertaking to—

- (a) fail to comply with paragraph 14(3) or (4) of Schedule 2; or

(b) intentionally make a false entry in a record required to be kept under that paragraph.

(6) If an offence committed by a person under this regulation is due to the act or default of some other person, that other person is also guilty of the offence and liable to be proceeded against and punished accordingly, whether or not proceedings for the offence are taken against the first-mentioned person.