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STATUTORY INSTRUMENTS

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**1988 No. 1562**

**The Transfrontier Shipment of  
Hazardous Waste Regulations 1988**

**PART VII**

**OFFENCES**

**False information with respect to consignment notes and uniform documents**

**27** A holder shall not, with the intention of securing an acknowledgement, avoiding an objection or avoiding the imposition of conditions, send a consignment note or uniform document pursuant to the requirements of these Regulations knowing it to be false in a material particular or being reckless as to whether it is false in a material particular.

**Offences and penalties**

**28.—(1)** A holder, carrier or consignee who fails to comply with any provision of these Regulations, other than regulations 10, 15 and 18, shall commit an offence and be liable on summary conviction to a fine not exceeding £2,000 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(2) Any person who fails to comply with regulations 10, 15 or 18 shall commit an offence and be liable on summary conviction to a fine not exceeding £400.

(3) In any proceedings for an offence under these Regulations, other than regulation 27, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(4) In any proceedings for an offence under regulation 28(1) for failure to comply with any provision of regulations 3 to 9, 11 to 14, 16 and 17 it shall be a defence for the person charged to prove that he was not reasonably able to comply with the provision concerned by reason of an emergency and that he took all reasonable steps to ensure that the necessary copies of the consignment note or uniform document were completed or furnished or received (as the case may be) as soon as practicable after the event.

(5) Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

**Offences by corporations**

**29.—(1)** Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) In this regulation, “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.