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STATUTORY INSTRUMENTS

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**2007 No. 1711**

**The Transfrontier Shipment of Waste Regulations 2007**

**PART 9**

Miscellaneous

**Fixed penalties**

**59.**—(1) If an authorised person has reason to believe that a person has committed an offence under these Regulations [<sup>F1</sup>(except an offence under regulation 49A(7))], he may give that person a notice (a “fixed penalty notice”) offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(2) Where a person is given a fixed penalty notice in respect of an offence—

- (a) no proceedings may be instituted for that offence before the expiry of 28 days following the date of the notice; and
- (b) he may not be convicted of that offence if he pays the fixed penalty before the expiry of that period.

(3) A fixed penalty notice must—

- (a) be in the form set out in Schedule 6;
- (b) give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence; and
- (c) state—
  - (i) the period during which, by virtue of paragraph (2), proceedings will not be taken for the offence;
  - (ii) the amount of the fixed penalty; and
  - (iii) the name of the person to whom and the address at which the fixed penalty may be paid.

(4) Payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of penalty.

(5) Where a letter is sent in accordance with paragraph (4), payment is deemed to be made at the time at which that letter would be delivered in the ordinary course of post.

[<sup>F2</sup>(6) The amount of fixed penalty payable in pursuance of a notice under this regulation is £300 which is to be paid in the case of a notice served by an authorised person from—

- (a) the Environment Agency or the Scottish Environment Protection Agency, to the Secretary of State;
- (b) the Natural Resources Body for Wales, to the Welsh Ministers;
- (c) the Department of [<sup>F3</sup>Agriculture, Environment and Rural Affairs] in Northern Ireland, to that Department.]

(7) In any proceedings, a certificate which—

- (a) purports to be signed by or on behalf of the chief finance officer [<sup>F4</sup>in England and Scotland, in Wales the principal accounting officer] , or in Northern Ireland an authorised person; and
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

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**Textual Amendments**

- F1** Words in reg. 59(1) inserted (1.5.2014) by [The Transfrontier Shipment of Waste \(Amendment\) Regulations 2014 \(S.I. 2014/861\)](#), regs. 1, **13(a)** (with reg. 23)
- F2** Reg. 59(6) substituted (1.5.2014) by [The Transfrontier Shipment of Waste \(Amendment\) Regulations 2014 \(S.I. 2014/861\)](#), regs. 1, **13(b)** (with reg. 23)
- F3** Words in reg. 59(6)(c) substituted (15.3.2019) by [The International Waste Shipments \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/590\)](#), regs. 2(1), **11**
- F4** Words in reg. 59(7)(a) inserted (1.5.2014) by [The Transfrontier Shipment of Waste \(Amendment\) Regulations 2014 \(S.I. 2014/861\)](#), regs. 1, **13(c)** (with reg. 23)

**Changes to legislation:**

There are currently no known outstanding effects for the The Transfrontier Shipment of Waste Regulations 2007, Section 59.