
STATUTORY INSTRUMENTS

2009 No. 1927

**The Major Accident Off-Site Emergency
Plan (Management of Waste from Extractive
Industries) (England and Wales) Regulations 2009**

Enforcement

9.—(1) To the extent that they would not otherwise do so and excluding any provisions that relate only to Scotland, sections 33 to 42 (provisions as to offences) of the 1974 Act apply, subject to paragraphs (2), (3) and (4) of this regulation and with any necessary modifications, to these Regulations as if they were health and safety regulations for the purposes of that Act, except that those sections do not apply to duties placed on the competent authority under these Regulations.

(2) The enforcing authority for the purposes of these Regulations is not the Health and Safety Executive.

(3) The competent authority is the enforcing authority for the purposes of these Regulations but, for the purposes of regulation 8(1), only to the extent that the duty to provide information mentioned in regulation 8(1) is not otherwise enforceable by the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2007.

(4) The maximum penalty for an offence under this regulation is—

- (a) on summary conviction, imprisonment for a term not exceeding 3 months or a fine not exceeding £5,000; and
- (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine, or both.