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STATUTORY INSTRUMENTS

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**2023 No. 219**

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

**PART 5**

**Enforcement and Review**

**Offences and penalties**

**28.**—(1) A person who contravenes the requirement in regulation 14(3) (notice to the Environment Agency) is guilty of an offence.

(2) A producer who contravenes a requirement of—

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

is guilty of 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) ([<sup>F1</sup>record retention] obligations);

is guilty of an offence.

(4) A person who furnishes any information to the Environment Agency in connection with the Agency's functions under these Regulations is guilty of an offence if, in furnishing the information, that person—

- (a) knows the information to be false or misleading in a material particular; or
- (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) is guilty of an offence.

[<sup>F2</sup>(6) A person who—

- (a) fails, without reasonable excuse, to give an officer of the Environment Agency (an “officer”) any assistance or information which that officer reasonably requires in the exercise of their powers under regulation 26, or
- (b) intentionally delays or obstructs an officer in the exercise of powers referred to in regulation 26,

is guilty of an offence.]

(7) An offence under any of paragraphs (1) to (6) is punishable—

- (a) on conviction on indictment, by a fine; or

(b) on summary conviction, by a fine.

(8) Where—

- (a) an offence under these Regulations has been committed by a body corporate or an unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
  - (i) a relevant individual; or
  - (ii) an individual purporting to act in the capacity of a relevant individual;

the individual as well as the body corporate or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

[<sup>F3</sup>(8A) 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.]

(9) In [<sup>F4</sup>paragraph (8)], “relevant individual” means—

- (a) in relation to a body corporate—
  - (i) a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity;
  - (ii) where the affairs of the body are managed by its members, a member;
- (b) in a limited liability partnership, a member;
- (c) in relation to a partnership other than a limited liability partnership, a partner;
- (d) in relation to an unincorporated association other than a partnership, a person who is concerned in the management or control of the association.

#### Textual Amendments

- F1** Words in [reg. 28\(3\)\(b\)](#) substituted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), [regs. 1\(2\)\(a\)](#), **13(a)**
- F2** [Reg. 28\(6\)](#) substituted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), [regs. 1\(2\)\(a\)](#), **13(b)**
- F3** [Reg. 28\(8A\)](#) inserted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), [regs. 1\(2\)\(a\)](#), **13(c)**
- F4** Words in [reg. 28\(9\)](#) substituted (30.6.2023) by [The Packaging Waste \(Data Reporting\) \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/721\)](#), [regs. 1\(2\)\(a\)](#), **13(d)**

#### Commencement Information

- I1** [Reg. 28](#) in force at 28.2.2023, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Packaging Waste (Data Reporting) (England) Regulations 2023, Section 28.