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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1490**

**The Landfill Allowances Scheme (Wales) Regulations 2004**

**PART 4**

Penalties

**Penalties: exceeding allowances**

**13.** The amount of the penalty to which a waste disposal authority is liable under section 9(2) of the Act is £200 per tonne of biodegradable municipal waste sent to landfill in excess of that authority's total allowance for that scheme year.

**Penalties: failure to comply with reporting requirements**

**14.—(1)** Except where paragraphs (2) and (4) apply, the amount of the penalty to which a waste disposal authority is liable under section 12(3) of the Act is £1,000.

(2) Where a waste disposal authority—

(i) understates the amount of collected municipal waste or the amount of municipal waste sent to landfills; or

(ii) overstates the amount of municipal waste diverted to other waste facilities,

the penalty to which a waste disposal authority is liable under section 12(3) of the Act is £200 per tonne of the error.

(3) For the purposes of paragraph (2), “the error” is the amount by which the actual amount of biodegradable municipal waste which was sent to landfill by the waste disposal authority in the scheme year exceeds the amount of biodegradable municipal waste which would have been sent to landfill for that year if the figures stated by the authority had been correct.

(4) Where a waste disposal authority fails to submit any returns in relation to a scheme year in accordance with regulation 6(4), that authority is liable to a penalty equal to £400 for each tonne of the total allowance allocated to that authority for that scheme year.

**Penalties: general**

**15.—(1)** Where a waste disposal authority is liable to a penalty, the Assembly may assess the amount due by way of penalty and notify the waste disposal authority accordingly.

(2) The penalty is due one month after the date on which the waste disposal authority is notified by the Assembly of the amount of the penalty under paragraph (1).

(3) Where a waste disposal authority is liable to a penalty under the Act and does not pay the penalty by the date upon which it is due under paragraph (2), the waste disposal authority is liable to pay interest on the penalty for the period which—

(a) begins on the date under paragraph (2); and

(b) ends on the day before the day on which the penalty assessed under paragraph (1) is paid.

(4) Interest under this regulation is payable at a rate of one percentage point above LIBOR on a day to day basis.

(5) For the purposes of paragraph (4), “LIBOR” means the sterling three month London interbank offered rate in force during the period between the date on which the penalty becomes due and the date on which the penalty is paid to the Assembly.

(6) Where a penalty has been assessed and notified to a waste disposal authority under paragraph (1), the penalty and any interest incurred under paragraph (3) is recoverable as a civil debt.

(7) For the purposes of this regulation, references to penalties include references to interest when payable.