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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: 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.