
WELSH STATUTORY INSTRUMENTS

2023 No. 798

**The Packaging Waste (Data Collection
and Reporting) (Wales) Regulations 2023**

PART 5

Enforcement

Offences and penalties

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

(2) A producer is guilty of an offence if contravening a requirement under any of the following—

- (a) regulation 16 (data collection obligations);
- (b) regulation 17(2) and (3) (data reporting obligations);
- (c) regulation 18 (notification of winding-up, receivership, administration etc).

(3) The operator of a registered scheme is guilty of an offence if contravening a requirement under any of the following—

- (a) regulation 20(1) (reporting obligations);
- (b) regulation 20(2) (record retention obligations).

(4) A person who furnishes any information to NRW in connection with the body'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(2) (monitoring) is guilty of an offence.

(6) A person who—

- (a) fails, without reasonable excuse, to give an officer of NRW (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—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (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.

(9) 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.

(10) In 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.

Commencement Information

II Reg. 28 in force at 17.7.2023, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 10(1)(aa) inserted by [S.I. 2024/400 reg. 20\(b\)\(i\)\(bb\)](#)
- Sch. 1 para. 10(1A) inserted by [S.I. 2024/400 reg. 20\(b\)\(ii\)](#)
- Sch. 1 para. 21(1)(c) inserted by [S.I. 2024/400 reg. 20\(h\)\(ii\)](#)
- reg. 6(7) inserted by [S.I. 2024/400 reg. 7\(b\)](#)
- reg. 7A inserted by [S.I. 2024/400 reg. 9](#)
- reg. 8(1)(1A) substituted for reg. 8(1) by [S.I. 2024/400 reg. 10\(a\)](#)
- reg. 8(8A) inserted by [S.I. 2024/400 reg. 10\(g\)](#)
- reg. 8(12A) inserted by [S.I. 2024/400 reg. 10\(j\)](#)
- reg. 17A inserted by [S.I. 2024/400 reg. 17](#)
- reg. 20(3) inserted by [S.I. 2024/400 reg. 18](#)
- reg. 22A inserted by [S.I. 2024/400 reg. 19](#)