

OFFENCES AND TO WHOM *

OFFENCE	GUILTY PARTY/PARTIES	PENALTY
Starting a project without a SWMP	Client and principal contractor	<p>A person guilty of any offence is liable:</p> <p>(a) on summary conviction, to a fine not exceeding £20,000 or to imprisonment for three months, or to both, or</p> <p>(b) on conviction on indictment, to imprisonment for two years, a fine, or both.</p> <p>Where a body corporate is guilty of an offence, proved to be committed by a qualified person, director, manager, secretary or someone acting in such capacity he is guilty of an offence as well as the body corporate.</p>
Failing to update a SWMP when waste is removed from the site	Principal contractor (or client, if no principal contractor)	
Failing to make a SWMP available on site	Principal contractor (or client, if no principal contractor)	
Failing to keep a SWMP for two years from completion	Principal contractor (or client, if no principal contractor)	
Failing to comply with additional duties	Client and/or principal contractor as specified in the Regulations	
Making a false or misleading statement in a SWMP	Client, person drafting the plan or principal contractor	
Failing to co-operate with, or intentionally obstructing, an enforcing officer	Anyone responding to a request or visit by an officer	

FIXED PENALTY NOTICES

Available as an alternative to prosecution for failing to produce a SWMP or any other records relating to the plan when requested to do so by an authorised officer. Level of a FPN is £300.

*To be finalised