

FMP Reference Number: FMP-2023-9005

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Payment Reference Number: 700222

**SCOTTISH ENVIRONMENT PROTECTION AGENCY**

**THE ENVIRONMENTAL REGULATION (ENFORCEMENT MEASURES) (SCOTLAND)  
ORDER 2015 ("the Order")**

**FIXED MONETARY PENALTY NOTICE**

**To: Anthony Barclay**

██████████  
**Musselburgh**  
**EH21** ██████

The Scottish Environment Protection Agency ("SEPA"), hereby notifies you, that you are liable to a Fixed Monetary Penalty (FMP) because SEPA is satisfied on the balance of probabilities that you have committed a relevant offence prescribed under the Order, namely an offence under Section 1(1) of the Control of Pollution (Amendment) Act 1989 ("the Act").

**Grounds for imposing the penalty**

SEPA is satisfied that you, Anthony Barclay, transported controlled waste, in the course of business, or otherwise with a view to profit, without being registered as a carrier of controlled waste, on the date and at the location specified below. In terms of Section 1(1) of the Act, it is an offence for any person who is not a registered carrier of controlled waste, in the course of any business of his or otherwise with a view to profit, to transport any controlled waste to or from any place in Great Britain.

On 4 October 2022 at approximately 12:00, two authorised SEPA Officers were undertaking road stops accompanied by officers from Police Scotland. On stopping a vehicle being driven by you at the location specified below, the SEPA Officers observed items in the back of the vehicle, which on inspection were identified as items of controlled waste including soil, plants and turf. Photographs of this waste were taken by the authorised SEPA Officers.

SEPA Officers spoke to you and you confirmed that the waste was from a job undertaken earlier that day, 4 October 2022, at a residential premises and that you were operating as a sole trader, trading as Allout Landscaping. You advised that you were unaware of the requirement to be registered as a waste carrier.

SEPA Officers conducted a search of SEPA's waste carriers register during the road stop on 4 October 2022 and no waste carriers registration was found. A further search of SEPA records on 30 January 2023 and the Environment Agency's online waste carriers register on 30 January 2023, confirmed that no registration was in place on the date specified below.

SEPA is satisfied, based on observations made by the authorised SEPA Officers during the road stop on 4 October 2022, the statement made by you and the interrogation of both SEPA's and the Environment Agency's records, that you transported controlled waste without a waste carriers registration on the date and at the location specified below.

Date of offence: 4 October 2022

Location of offence: Layby on A1, Milton Link, Edinburgh, EH15 3QH (NGR NT 31300 72570).

The amount of the FMP is £300.

You are required to pay the sum in full within 56 days beginning with the day this notice is served on you.

Details of how to pay, what will happen if you do not pay and how to appeal against this Notice are provided overleaf.

Signed.....  


Date: 16 May 2023

Authorised to sign on behalf of  
The Scottish Environment Protection Agency

### **Amount of Penalty and effect of payment**

The penalty has been set in accordance with the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 (“the Order”).

### **How to Pay a Fixed Monetary Penalty**

Acceptable payment methods are: Personal or Company Cheques, Debit Card, Credit Card, Postal Orders, and BACS.

Card payments can be made via the SEPA “Pay My Account” Service at [www.sepa.org.uk/payments](http://www.sepa.org.uk/payments). You should quote the FMP Reference Number and Payment Reference Number as detailed on the front of this Notice in all communications with SEPA.

To make a BACS payment please email [invoices@sepa.org.uk](mailto:invoices@sepa.org.uk) or call 07388 371 621 for our bank account details or queries.

Cheques and Postal Orders should be made payable to: Scottish Environment Protection Agency and sent to FMP Unit, SEPA, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, Motherwell, ML1 4WQ

### **Late payment and Non-payment**

If you do not pay the full amount owed within 56 days beginning with the day this notice is served on you, the amount due will be increased by 40% in accordance with the Order. SEPA can recover sums due but not paid in full as a civil debt.

### **Appeals**

You can appeal against this Notice to the Scottish Land Court within 28 days beginning with the date of service of this Notice on the grounds that:

- The decision was based on an error of fact
- The decision was wrong in Law
- The decision was unreasonable
- any other reason, (with the exception that the Order states that it is not a valid ground of appeal that SEPA failed to comply with the Guidance issued to it by the Lord Advocate under the Act).

You should submit your Appeal to The Scottish Land Court, George House, 126 George Street, Edinburgh, EH2 4HH. An application form for an appeal can be obtained by contacting the Court on 0131 271 4360 or from the Court’s website at <http://www.scottish-land-court.org.uk/using/making-an-application>. It would be helpful if you also sent a copy of your appeal documentation to SEPA, The Registry Department, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, Motherwell, ML1 4WQ.

The bringing of an appeal will have the effect of suspending payment of the penalty until after the appeal has been determined or withdrawn.

## Queries

Any queries about this Notice should be addressed to SEPA, The Registry Department, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, Motherwell, ML1 4WQ or by email to [registry@sepa.org.uk](mailto:registry@sepa.org.uk). Please note that entering into correspondence does not alter the timescale for submission of an appeal or payment being due.

## The Data Protection Act 2018

Any personal data, provided in connection with this Notice, will be processed by the Scottish Environment Protection Agency for the purposes of publication and may be disclosed to Scottish Government and other public bodies. We may also pass it on to our agents/representatives to act on our behalf in connection with this Notice. Please address any questions, comments and requests regarding our data processing practices to [dataprotection@sepa.org.uk](mailto:dataprotection@sepa.org.uk)

Additional information about how we use personal information in the context of monetary penalties is available in the relevant SEPA Privacy Notice, which can be accessed from our website [www.sepa.org.uk/help/privacy-policy/privacy-notices](http://www.sepa.org.uk/help/privacy-policy/privacy-notices)

Information in relation to penalties will be published and publicised in accordance with SEPA's Policy on Communicating Penalties and Undertakings, which can be accessed from our website.

Please address any questions, comments and requests regarding our data processing practices to [dataprotection@sepa.org.uk](mailto:dataprotection@sepa.org.uk).