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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 52 (C. 4 )**

**ENVIRONMENTAL PROTECTION**

**The Waste and Emissions Trading Act 2003  
(Commencement) (Scotland) Order 2005**

*Made - - - - 2nd February 2005*

The Scottish Ministers, in exercise of the powers conferred on them by section 40(2)(b) and section 40(3) of the Waste and Emissions Trading Act 2003(1) (“the 2003 Act”) hereby make the following Order:

**Citation and extent**

1.—(1) This Order may be cited as the Waste and Emissions Trading Act 2003 (Commencement) (Scotland) Order 2005.

(2) This Order shall extend to Scotland only.

**Commencement**

(a) (a) Sections 4, 5 and 10(1) of the 2003 Act shall come into force on the day after the day on which this Order is made; and

(b) Sections 9, 10(2) and 18 of the 2003 Act shall come into force on 1st April 2005.

St Andrew’s House, Edinburgh  
2nd February 2005

*ROSS FINNIE*  
A member of the Scottish Executive

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings sections 4, 5, 9, 10 and 18 of the Waste and Emissions Trading Act 2003 (“the 2003 Act”) into force as regards Scotland only.

Section 4 of the 2003 Act requires the Scottish Ministers (who in terms of section 24(1)(b) of that Act are the allocating authority for Scotland) to make among waste disposal authorities in Scotland for each scheme year, an allocation of allowances authorising the sending of amounts of biodegradable municipal waste to landfills.

Section 5 of the 2003 Act allows the Scottish Ministers to alter an allocation made under section 4.

Section 9 of the 2003 Act imposes on waste disposal authorities a duty not to exceed the allowance set under section 4 and renders them liable to a penalty and in certain circumstances a supplementary penalty for failure to meet this duty.

Section 10 of the 2003 Act requires the Scottish Ministers to appoint a monitoring authority for Scotland.

Section 18 of the 2003 Act requires the Scottish Ministers to have a strategy for reducing the amount of biodegradable waste from Scotland that goes to landfills and the amount of such waste from outside Scotland that goes to landfills in Scotland.

A full Regulatory Impact Assessment has not been prepared for this Order as it has no impact on costs to business.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the 2003 Act are in force in Scotland by virtue of having been brought into force—

- (a) in the United Kingdom—
  - (i) sections 2 and 39 on 20th April 2004 by S.I.2004/1163 (C.49);
  - (ii) sections 1 and 17 on 20th July 2004 by S.I. 2004/1874 (C.80);
  - (iii) section 3 on 3rd December 2004 by S.I. 2004/3192 (C.138);
- (b) in Great Britain, sections 32(12) and 35(b) on 1st January 2005 by S.I. 2004/3320 (C.152).