



Waste and Emissions Trading Act 2003

2003 CHAPTER 33

PART 1

WASTE

CHAPTER 1

WASTE SENT TO LANDFILLS

Landfill allowances scheme ^{F1} *(Scotland, Wales and Northern Ireland)*

6 Borrowing and banking of landfill allowances

- (1) An allocating authority may by regulations make provision for a waste disposal authority in its area to utilise for a scheme year landfill allowances allocated to it for a different scheme year.
- (2) Regulations under subsection (1) may not provide for—
 - (a) the utilisation for a target year of allowances not allocated for that year;
 - (b) the utilisation for a scheme year later than a target year of allowances allocated for a scheme year earlier than that target year;
 - (c) the utilisation for a scheme year earlier than a target year of allowances allocated for a scheme year later than that target year.
- (3) Regulations under subsection (1) may (in particular)—
 - (a) make provision relating only to allowances allocated for specified scheme years;
 - (b) make provision for allowances allocated for a scheme year to be utilised for a different scheme year only if—
 - (i) that different scheme year is a specified scheme year;
 - (ii) specified conditions are satisfied;
 - (c) make provision for quantitative limits on inter-year utilisation of allowances;

Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Section 6. (See end of Document for details)

- (d) make provision authorising the allocating authority to suspend inter-year utilisation of allowances—
 - (i) whether indefinitely or for a fixed period, and
 - (ii) whether generally or to a limited extent;
 - (e) make provision for a person to carry out, in relation to inter-year utilisation of allowances, all or any of the functions of registrar and overseer;
 - (f) make provision imposing, or enabling the imposition of, requirements on waste disposal authorities to provide information in relation to their inter-year utilisation of allowances;
 - (g) make provision for an authority to be liable to a penalty if it fails to comply with a requirement imposed on it by or under provision of the kind mentioned in paragraph (f);
 - (h) make provision generally in connection with the administration or regulation of inter-year utilisation of allowances;
 - (i) make provision for the levying of fees and charges on persons engaged in inter-year utilisation of allowances;
 - (j) make provision creating offences for breaches of provisions of regulations under subsection (1).
- (4) In subsection (3) “specified” means specified by, or determined in accordance with, regulations under subsection (1).

Changes to legislation:

There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Section 6.