



Waste (Wales) Measure 2010

2010 nawm 8

Landfill

9 Regulations prohibiting deposit of waste in a landfill

- (1) The Welsh Ministers may by regulations make provision for and in connection with prohibiting or otherwise regulating the deposit of specified kinds of waste in a landfill in Wales.
- (2) Regulations under subsection (1) may (among other things)—
 - (a) amend regulations made under section 2 of the Pollution Prevention and Control Act 1999 which relate to the operation of a landfill;
 - (b) provide for offences in relation to failure to comply with provision made under the regulations;
 - (c) provide for penalties in relation to such offences;
 - (d) provide for enforcement authorities and the functions of such authorities.
- (3) In subsection (1), “landfill” has the meaning given in Article 2(g) of Council Directive [1999/31/EC](#) of 26 April 1999 on the landfill of waste.

10 Civil sanctions in respect of the deposit of waste in a landfill

- (1) This section applies where the power to make regulations in section 9(1) has been or is being exercised so as to create an offence.
- (2) Regulations under section 9(1) may make provision, in relation to an enforcement authority, which could be made by an order under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (“RESA 2008”) as if, for the purposes of Part 3 of that Act—
 - (a) the enforcement authority were a regulator, and
 - (b) the offence were a relevant offence in relation to that regulator.
- (3) But in their application to offences created by regulations under section 9(1)—
 - (a) sections 39(4) and 42(6) of RESA 2008 do not apply, and

- (b) section 49(1) is modified so that the reference to “£20,000” is to be read as a reference to “level 5 on the standard scale”.
- (4) Sections 63 to 69 of RESA 2008 apply to provision made under or by virtue of regulations under subsection (2) as they apply to provision made under or by virtue of Part 3 of RESA 2008.
- (5) For the purposes of subsection (4), the references to a “regulator” in sections 63 to 69 of RESA 2008 are to be read as references to an enforcement authority.
- (6) In this section, “enforcement authority” means a person who has an enforcement function in relation to an offence created by regulations under section 9(1).

11 Consultation

- (1) Before making any regulations under section 9 the Welsh Ministers must consult the following—
 - (a) the Environment Agency;
 - (b) each local authority;
 - (c) such persons appearing to them to be representative of the interests of persons liable to be subject to duties under the regulations as they consider appropriate;
 - (d) such other persons as they consider appropriate.
- (2) For the purposes of subsection (1), consultation undertaken before the passing of this Measure has effect as if undertaken after that passing.