

*Draft Regulations laid before Parliament and the National Assembly for Wales under section 2(8) and (9)(d) and (e) of the Pollution Prevention and Control Act 1999, paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and section 59(3) of the Government of Wales Act 2006 for approval by resolution of each House of Parliament and of the Assembly.*

---

DRAFT STATUTORY INSTRUMENTS

---

**2011 No. XXXX**

**ENVIRONMENTAL PROTECTION,  
ENGLAND AND WALES**

**The Waste (England and Wales) Regulations 2011**

*Made* - - - - **\*\*\***

*Coming into force in accordance with regulation 1*

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, have in accordance with section 2(4) of the Pollution Prevention and Control Act 1999<sup>(1)</sup> consulted—

- (a) the Environment Agency;
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small business respectively as they consider appropriate; and
- (c) such other bodies or persons as they consider appropriate.

The Secretary of State is designated<sup>(2)</sup> for the purposes of the European Communities Act 1972<sup>(3)</sup> in relation to the environment. The Welsh Ministers are designated<sup>(4)</sup> for the purposes of that Act in relation to the prevention, reduction and management of waste.

A draft of this instrument has been approved by a resolution of each House of Parliament and by the National Assembly for Wales pursuant to section 2(8) and (9)(d) and (e) of the Pollution Prevention and Control Act 1999<sup>(5)</sup>, to paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and to section 59(3) of the Government of Wales Act 2006<sup>(6)</sup>.

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by section 2 of, and Schedule 1 to, the Pollution Prevention and Control Act 1999.

- 
- (1) [1999 c. 24](#). Functions of the Secretary of State under section 2 (except in relation to offshore oil and gas exploration and exploitation), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 3 of [S.I. 2005/1958](#). Those functions were then transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the [Government of Wales Act 2006 \(c. 32\)](#).
  - (2) [S.I. 2008/301](#).
  - (3) [1972 c. 68](#).
  - (4) [S.I. 2010/1552](#).
  - (5) The reference in section 2(8) of the 1999 Act to approval by each House of Parliament has effect in relation to the exercise of functions by the Welsh Ministers as if it were a reference to approval by the National Assembly for Wales by virtue of paragraph 33 of Schedule 11 to the [Government of Wales Act 2006 \(c. 32\)](#).
  - (6) [2006 c. 32](#).

---

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as  
a UK Statutory Instrument: The Waste (England and Wales) Regulations 2011 No. 988

---