
DRAFT STATUTORY INSTRUMENTS

2011 No.

The Waste (England and Wales) Regulations 2011

PART 7

Deposits in the sea

Interpretation

21. In this Part, “offshore licensing functions” means—

- (a) functions under Part 2 of the Food and Environment Protection Act 1985(1);
 - (b) functions under Part 4 of the Marine and Coastal Access Act 2009(2),
- other than functions which must be exercised by statutory instrument.

Exercise of offshore licensing functions

22. An appropriate authority must exercise its offshore licensing functions—

- (a) so far as material, for the purposes of implementing the waste management plans;
- (b) for the purposes of ensuring that—
 - (i) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste; and
 - (ii) waste generated by the disposal or recovery of waste is treated in accordance with Article 4 of the Waste Framework Directive;
- (c) for the purposes of implementing Article 13 of the Waste Framework Directive;
- (d) so as to ensure that the requirements in the second paragraph of Article 23(1) of the Waste Framework Directive are met; and
- (e) so as to ensure compliance with the following Articles of the Waste Framework Directive—
 - (i) Article 18(2)(b) and (c),
 - (ii) Article 23(3) and (4),
 - (iii) Article 35(1).

Inspections

23.—(1) This regulation applies where an appropriate authority has offshore licensing functions in relation to establishments or undertakings carrying on disposal or recovery of waste.

(2) The appropriate authority must ensure that appropriate periodic inspections of those establishments or undertakings are made⁽³⁾.

(3) Section 11 of the Food and Environment Protection Act 1985 (c. 48) and sections 246 to 248 of the Marine and Coastal Access Act 2009 (c. 23) provide for powers relevant to inspection.