



Waste and Emissions Trading Act 2003

2003 CHAPTER 33

PART 1

WASTE

CHAPTER 4

MISCELLANEOUS AND SUPPLEMENTARY

35 Repeal of duty to prepare recycling plans in England and Wales

The following provisions are repealed—

- (a) section 49 of the Environmental Protection Act 1990 (collection authorities' waste recycling plans),
- (b) sections 353(3) and 361 of the Greater London Authority Act 1999 (c. 29) (which refer to section 49 of the 1990 Act), and
- (c) paragraph (a) of section 7(2) of the Local Government Act 2000 (c. 22) (power to amend etc. section 49(1)(c) of the 1990 Act).

Commencement Information

- I1** S. 35(a) in force at 25.6.2004 for W. by S.I. 2004/1488, art. 2
- I2** S. 35(a) in force at 1.1.2005 for E. by S.I. 2004/3321, art. 2
- I3** S. 35(b) in force at 1.1.2005 by S.I. 2004/3320, art. 2
- I4** S. 35(c) in force at 25.6.2004 by S.I. 2004/1488, art. 2(1)

36 Regulations under Part 1

- (1) Any power to make regulations under this Part includes—
 - (a) power to make different provision for different cases, and

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Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Chapter 4. (See end of Document for details)

- (b) power to make incidental, supplementary, consequential or transitional provision or savings.
- (2) Power to make regulations under section 23(2)(a), (b) or (c) also includes—
 - (a) power to make different provision in relation to England, Scotland, Wales and Northern Ireland respectively, and
 - (b) power to make consequential provision amending section 3(6).
- (3) Any power to make regulations under this Part is exercisable by statutory instrument, subject to subsection (4).
- (4) Any power of the Department of the Environment to make regulations under this Part is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

37 Meaning of “waste” in Part 1

- (1) In this Part “waste” means anything that—
 - (a) is waste for the purposes of the Waste Directive, and
 - (b) is not excluded from the scope of that Directive by Article 2 of that Directive.
- (2) For the purposes of this section “the Waste Directive” means Council Directive [75/442/EEC](#) as amended by—
 - (a) Council Directives [91/156/EEC](#) and [91/692/EEC](#), and
 - (b) Commission Decision [96/350/EC](#).

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