



# Waste and Emissions Trading Act 2003

## 2003 CHAPTER 33

### PART 1

#### WASTE

### CHAPTER 1

#### WASTE SENT TO LANDFILLS

##### *Scheme operation and monitoring etc*

### **13 Powers in relation to landfill operators**

- (1) An allocating authority may, for purposes connected with the sending of biodegradable municipal waste to landfills, by regulations make provision for requiring a person concerned in the operation of a landfill to—
  - (a) maintain prescribed records;
  - (b) gather prescribed information by carrying out prescribed operations on prescribed waste;
  - (c) make prescribed returns, or provide prescribed information or prescribed evidence, to prescribed persons.
- (2) A person commits an offence if he fails to comply with a requirement imposed on him under subsection (1).
- (3) An allocating authority may by regulations make provision enabling the monitoring authority for its area, or persons authorised by the monitoring authority—
  - (a) to require persons concerned in the operation of a landfill to produce records related to the operation of the landfill for inspection or for removal for inspection elsewhere;
  - (b) to specify the form in which, the place at which and the time at or by which records are to be produced;

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*Status: Point in time view as at 17/09/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Section 13. (See end of Document for details)*

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- (c) to copy records that are produced;
  - (d) to enter premises (with or without a constable, with any necessary equipment or material and, if need be, by force) for the purposes of—
    - (i) finding records relating to the operation of a landfill,
    - (ii) inspecting them or removing them for inspection elsewhere, and
    - (iii) copying them;
  - (e) to require persons to afford, to a person exercising any power conferred under paragraphs (a) to (d), such facilities and assistance within their control or in relation to which they have responsibilities as are necessary to enable the person to exercise the power.
- (4) A person commits an offence if—
- (a) he intentionally obstructs a person exercising a power conferred under subsection (3), or
  - (b) he fails to comply with a requirement imposed on him under that subsection.
- (5) A person guilty of an offence under subsection (2) or (4)(a) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.
- (6) A person guilty of an offence under subsection (4)(b) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) In subsection (1) “prescribed” means prescribed by or under regulations under that subsection.

**Status:**

Point in time view as at 17/09/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Section 13.