



# Waste and Emissions Trading Act 2003

## 2003 CHAPTER 33

### PART 1

#### WASTE

### CHAPTER 1

#### WASTE SENT TO LANDFILLS

#### *Supplementary*

## **28 Regulations under Chapter 1: procedural provisions**

- (1) A statutory instrument that—
  - (a) contains regulations under this Chapter made by the Secretary of State, and
  - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) No affirmative-procedure regulations shall be made by the Secretary of State unless a draft of the statutory instrument containing the regulations (whether containing them alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument that—
  - (a) contains regulations under this Chapter made by the Scottish Ministers, and
  - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, the Scottish Parliament,shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

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*Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Section 28. (See end of Document for details)*

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- (4) No affirmative-procedure regulations shall be made by the Scottish Ministers unless a draft of the statutory instrument containing them (whether containing them alone or with other provisions) has been laid before, and approved by a resolution of, the Scottish Parliament.
- (5) A statutory rule that—
- (a) contains regulations under this Chapter made by the Department of the Environment, and
  - (b) is not subject to affirmative resolution within the meaning of section 41(4) of the 1954 Act,
- shall be subject to negative resolution within the meaning of section 41(6) of that Act.
- (6) A statutory rule that contains (whether alone or with other provisions) affirmative-procedure regulations made by the Department of the Environment shall be subject to affirmative resolution within the meaning of section 41(4) of the 1954 Act.
- (7) In this section—
- “affirmative-procedure regulations” means—
    - (a) regulations under section 1 or 2, and
    - (b) the first regulations to be made under each of sections 6, 7 and 11 by each of the Secretary of State, the Scottish Ministers and the Department of the Environment;
  - “the 1954 Act” means the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).

**Changes to legislation:**

There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Section 28.