



Waste and Emissions Trading Act 2003

2003 CHAPTER 33

PART 1

WASTE

CHAPTER 1

WASTE SENT TO LANDFILLS

Landfill allowances scheme [F1(Scotland, Wales and Northern Ireland)]

7 Trading and other transfer of landfill allowances

- (1) An allocating authority may by regulations make provision for waste disposal authorities in its area to transfer, whether by way of trade or otherwise, landfill allowances allocated by that or any other allocating authority.
- (2) Regulations under subsection (1) may not authorise—
 - (a) the acquisition of landfill allowances by a person who is not a waste disposal authority;
 - (b) the utilisation for a target year of allowances not allocated for that year;
 - (c) the utilisation for a scheme year later than a target year of allowances allocated for a scheme year earlier than that target year;
 - (d) the utilisation for a scheme year earlier than a target year of allowances allocated for a scheme year later than that target year.
- (3) Regulations under subsection (1) may (in particular)—
 - (a) make provision for allowances to be acquired, or disposed of, only if—
 - (i) allocated by the allocating authority or by specified allocating authorities;
 - (ii) allocated for specified scheme years;
 - (iii) specified conditions are satisfied;

Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Section 7. (See end of Document for details)

- (b) make provision for quantitative limits on the transfer of allowances;
 - (c) make provision for controlling prices or values put on allowances for the purpose of transferring them;
 - (d) make provision authorising the allocating authority to suspend the transfer of allowances—
 - (i) whether indefinitely or for a fixed period, and
 - (ii) whether generally or to a limited extent;
 - (e) make provision for allowances acquired by a waste disposal authority to be utilised by the authority for a scheme year only if allocated for that scheme year or for specified scheme years;
 - (f) make provision for licensing and regulating persons engaged as brokers in the transfer of allowances;
 - (g) make provision for a person to carry out, in relation to the transfer of allowances, all or any of the functions of registrar, clearing house and overseer;
 - (h) make provision imposing, or enabling the imposition of, requirements on waste disposal authorities to provide information in relation to their acquisition and disposal of allowances;
 - (i) make provision for an authority to be liable to a penalty if it fails to comply with a requirement imposed on it by or under provision of the kind mentioned in paragraph (h);
 - (j) make provision generally in connection with the administration or regulation of the trading of allowances;
 - (k) make provision for the levying of fees and charges on persons engaged (in any capacity) in the trading of allowances;
 - (l) make provision creating offences for breaches of provisions of regulations under subsection (1) or of conditions of a broker’s licence.
- (4) In subsection (3) “specified” means specified by, or determined in accordance with, regulations under subsection (1).

Changes to legislation:

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