
STATUTORY INSTRUMENTS

2004 No. 3212

**The Landfill Allowances and Trading
Scheme (England) Regulations 2004**

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Landfill Allowances and Trading Scheme (England) Regulations 2004 and come into force on 1st April 2005.

(2) These Regulations apply to England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Waste and Emissions Trading Act 2003;

“collected municipal waste” means municipal waste which comes into the possession or under the control of—

(a) a waste disposal authority, or

(b) a waste collection authority within the area of the disposal authority,

whether or not the waste comes into the possession or under the control of that authority under or by virtue of the Environmental Protection Act 1990⁽¹⁾;

“disposal” has the same meaning as in Council Directive [75/442/EEC](#) on waste⁽²⁾;

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000⁽³⁾;

“European Waste Catalogue” means the list of wastes which, pursuant to Article 1(a) of Council Directive [74/442/EEC](#) on waste and Article 1(4) of Council Directive [91/689/EEC](#)⁽⁴⁾ on hazardous waste, is set out in Commission Decision [2000/532/EC](#)⁽⁵⁾;

“landfill allowance account” means the landfill allowance account contained in the landfill allowances register under regulation 16(2) and (3);

“Landfill Directive” means Council Directive [99/31/EC](#) on the landfill of waste⁽⁶⁾;

(1) [1990 c. 43](#).

(2) O.J. No. L 194, 25.7.1975, p. 39; as amended by Council Directive [91/156/EEC](#) (O.J. No. L 78, 26.3.1991, p. 32), Council Directive [91/692/EEC](#) (O.J. No. L 377, 31.12.1991, p. 48) and Commission Decision [96/350/EC](#) (O.J. No. L 135, 6.6.1996, p. 32).

(3) [2000 c. 7](#).

(4) O.J. No. L 377, 31.12.1991, p. 20; as amended by Council Directive [94/31/EC](#) (O.J. No. L 168, 2.7.1994, p. 28) and Corrigendum to Directive [91/689/EEC](#) (O.J. L 23, 30.1.1998, p. 39).

(5) O.J. No. L 226, 6.9.2000, p. 3; as amended by Commission Decision [2001/118/EC](#) (O.J. No. L 47, 16.2.2001, p. 1), Commission Decision [2001/119/EC](#) (O.J. No. L 47, 16.2.2001, p. 32) and Council Decision [2001/573/EC](#) (O.J. No. L 203, 28.7.2001, p. 18).

(6) O.J. No. L 182, 16.7.1999, p. 1.

“reconciliation period” means the period of 6 months following the end of a scheme year;

“recovery” has the same meaning as in Council Directive [75/442/EEC](#) on waste;

“relevant authority” means—

- (a) the monitoring authority,
- (b) the Secretary of State;

“treatment” has the same meaning as in section 22(4) of the Act;

“vintage” means in respect of landfill allowances allocated—

- (a) for different scheme years, the chronological order in which those allowances were allocated,
- (b) for the same scheme year, the order in which those landfill allowances were allocated for that year;

“waste collection authority” has the same meaning as in Part 2 of the Environmental Protection Act 1990; and

“waste facility” means a facility for the disposal or recovery of waste other than a landfill.

(2) In these Regulations references to waste being sent by a waste disposal authority to a landfill or a waste facility are references to waste being sent to such a landfill or facility in pursuance of arrangements made by the authority.

(3) In these Regulations a landfill allowance is available to a waste disposal authority for a scheme year—

- (a) for the purposes of regulation 7 if it has—
 - (i) been allocated to the authority for that scheme year, and
 - (ii) not subsequently been transferred or withdrawn;
- (b) for all other purposes if it has been—
 - (i) allocated to the authority for that scheme year, or
 - (ii) banked, borrowed or transferred to that scheme year,
 and not subsequently been banked, borrowed, transferred or withdrawn.

Giving notices and notifications, and the submission of forms and returns

3.—(1) Subject to paragraph (2), where under these Regulations a person is required or authorised to—

- (a) submit or give a form, notice or return to another person; or
- (b) notify another person of any matter;

the form, notice, return or notification must be in writing.

(2) Where—

- (a) that other person has an address for the purposes of electronic communications—
 - (i) any return may be submitted, or
 - (ii) any notice or notification may be given,
 by way of such communications;
- (b) regulation 4(3)(a) applies, the form may be submitted to the monitoring authority by way of electronic communications to the address specified in the form;
- (c) regulation 4(3)(b) applies, the form may be submitted to the monitoring authority via the website;

- (d) a relevant authority maintains a website for the purpose of enabling returns to be submitted to the monitoring authority, any return which is enabled to be so submitted may be submitted to the monitoring authority via the website.
- (3) Any notification given in writing by the Secretary of State under these Regulations may be given by addressing it to the waste disposal authority and—
 - (a) leaving it at, or
 - (b) sending it by post to,the authority's principal office.

Electronic registers and forms

- 4.—(1) Any register maintained under these Regulations may be in an electronic form.
- (2) Where any register is in an electronic form a relevant authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.
- (3) Any form provided by the monitoring authority under these Regulations may be provided—
 - (a) in an electronic form, or
 - (b) for completion and submission to the monitoring authority via a website maintained by a relevant authority for that purpose.