

**2004 No. 3321 (C.153)**

**ENVIRONMENTAL PROTECTION, ENGLAND**

**The Waste and Emissions Trading Act 2003 (Commencement  
No. 2) (England) Order 2004**

*Made* - - - - *13th December 2004*

The Secretary of State, in exercise of the powers conferred upon her by section 40(7)(a) of the Waste and Emissions Trading Act 2003(a), makes the following Order:

**Citation**

1. This Order may be cited as the Waste And Emissions Trading Act 2003 (Commencement No. 2) (England) Order 2004.

**Commencement**

2. As regards England, section 35(a) of the Waste and Emissions Trading Act 2003(b) shall come into force on 1st January 2005.

13th December 2004

*Elliott Morley*  
Minister of State  
Department for Environment, Food and Rural Affairs

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(a) 2003 c.33.

(b) By section 41(2) of the Act section 35(a) extends only to England and Wales.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st January 2005 the provisions of section 35(a) of the Waste and Emissions Trading Act 2003 (“the Act”) in relation to England.

Part 1 of the Act makes provision, among other things, for waste management in England and for miscellaneous and supplementary matters.

Section 35(a) repeals section 49 of the Environmental Protection Act 1990 (c.43) (collection authorities’ waste recycling plans).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force in England by commencement order made before the date of this Order:

| <i>Provision</i>        | <i>Date of Commencement</i> | <i>S.I. No.</i>      |
|-------------------------|-----------------------------|----------------------|
| Sections 4, 5 and 10(1) | 3.12.2004}                  | { 2004/3181 (C. 137) |
| Sections 9 and 10(2)    | 1.04.2005}                  | {                    |

The following provisions of the Act are in force in England by virtue of having been brought into force in the United Kingdom: sections 2 and 39 on 20th April 2004 by S.I. 2004/1163 (C.49), sections 1 and 17 on 19th July 2004 by 2004/1874 (C.80), and section 3 on 3rd December 2004 by S.I. 2004/3192 (C.138). The Waste and Emissions Trading Act 2003 (Commencement No. 1) (England and Wales) Order 2004 (S.I. 2004/3319 (C.151)), made on the same day as this Order, brings section 31 (which applies only to English waste authorities) into force on 1st January 2005, and the Waste and Emissions Trading Act 2003 (Commencement No. 1) (Great Britain) Order 2004 (S.I. 2004/3320 (C.152)), also made on the same day as this Order, brings sections 32(12) and 35(b) into force on that date.

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