

2005 No. 187

ENVIRONMENTAL PROTECTION

**The Transfrontier Shipment of Waste (Amendment) Regulations
2005**

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| <i>Made</i> - - - - | <i>1st February 2005</i> |
| <i>Laid before Parliament</i> | <i>3rd February 2005</i> |
| <i>Coming into force</i> - - | <i>1st March 2005</i> |

The Secretary of State for Environment, Food and Rural Affairs, being designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to measures relating to the regulation and control of the transit, import and export of waste (including recyclable materials), in exercise of the powers conferred on her by section 2(2) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Transfrontier Shipment of Waste (Amendment) Regulations 2005 and shall come into force on 1st March 2005.

Interpretation

2.—(1) In these Regulations, “the 1994 Regulations” means the Transfrontier Shipment of Waste Regulations 1994^(c).

(2) The expressions “notifier”, “notification”, “competent authority of dispatch” and “competent authority of destination” used in these Regulations shall have the meanings they bear in Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community^(d).

Amendment of the 1994 Regulations

3. For paragraph (b) of regulation 3 of the 1994 Regulations there shall be substituted the following paragraph—

“(b) in Northern Ireland, the Department of the Environment.”.

4. For paragraphs (1) and (2) of regulation 15 of the 1994 Regulations there shall be substituted the following paragraphs—

(a) S.I. 1993/2661.

(b) 1972 c.68.

(c) S.I. 1994/1137, as partially revoked by S.I. 1996/972.

(d) OJ No. L30, 6.2.1993, p.1, as last amended by Commission Regulation (EC) No. 2557/2001 amending Annex V of Council Regulation (EEC) No. 259/93 (OJ No. L349, 31.12.2001, p.1).

“(1) Subject to paragraph (2), a person who commits an offence under regulation 12 shall be liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment to imprisonment for a term not exceeding two years, or a fine, or both.

(2) A person who commits an offence under paragraph (8) of regulation 12 above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

Transitional arrangements

5. Notwithstanding regulation 3, where a notifier has made a notification to a district council within the meaning of section 1 of the Local Government Act (Northern Ireland) 1972(a), the receipt of which has been acknowledged by the council before the day on which these Regulations come into force, that district council shall continue to be the competent authority of dispatch or competent authority of destination in Northern Ireland in relation to that notification for the purposes of the 1994 Regulations.

Elliot Morley

Minister of State

1st February 2005

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Transfrontier Shipment of Waste Regulations 1994 (S.I. 1994/1137, as partially revoked by S.I. 1996/972) (“the 1994 Regulations”). They provide that a competent authority of dispatch and competent authority of destination, for the purposes of Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community, shall, in respect of Northern Ireland, be the Northern Ireland Department of the Environment rather than the district councils in Northern Ireland, as provided for in the 1994 Regulations (regulation 3). They also provide that the district councils of Northern Ireland will remain competent authorities of dispatch and of destination in respect of any notification they receive and have acknowledged before these Regulations come into force (regulation 5). Finally they also amend the 1994 Regulations by aligning the penalties in Northern Ireland with those in Great Britain in respect of any conviction for an offence under the 1994 Regulations (regulation 4).

(a) 1972 c.9 (NI).

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