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STATUTORY INSTRUMENTS

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**2011 No. 2499**

The Waste and Emissions Trading Act  
2003 (Amendment) Regulations 2011

PART 3

Amendment of the Landfill Allowances and  
Trading Scheme (England) Regulations 2004

**Amendment of the Landfill Allowances and Trading Scheme (England) Regulations 2004**

**9.** The Landfill Allowances and Trading Scheme (England) Regulations 2004 are amended in accordance with regulations 10 to 13.

**Amendment of regulation 2 (interpretation)**

**10.** In regulation 2(1), omit the definition of “collected municipal waste”.

**Substitution of “local authority collected municipal waste” and “biodegradable local authority collected municipal waste”**

**11.**—(1) In the following provisions, for “collected municipal waste” substitute “local authority collected municipal waste”—

- (a) regulation 11(1)(a) (obligation for waste disposal authorities to keep records and make returns);
- (b) regulation 13(2)(a) (determining the amount of biodegradable municipal waste in amounts of waste);
- (c) regulation 14(2)(a) (calculation of the amount of biodegradable municipal waste sent to landfills).

(2) In the following provisions, for “municipal waste” substitute “local authority collected municipal waste”—

- (a) regulation 11(1)(b) and (c) and (2);
- (b) regulation 14(2)(b) and (c) (other than in the phrase “biodegradable municipal waste”).

(3) In the following places, for “biodegradable municipal waste” substitute “biodegradable local authority collected municipal waste”—

- (a) regulation 11(6)(b);
- (b) the cross-heading of regulation 13;
- (c) regulation 13(2)(a) to (c);
- (d) the cross-heading of regulation 14;
- (e) regulation 14(1)(a) and (b) and (2)(a), (b) and (c);
- (f) regulation 15(1) and (4)(a) (utilisation of landfill allowances);

- (g) regulation 16(3)(e)(i) (landfill allowances register);
- (h) regulation 20(2) (penalties: exceeding allowances);
- (i) regulation 23 (guidance to waste disposal authorities);
- (j) the heading of the Schedule (amount of biodegradable municipal waste in certain types of waste);
- (k) the Table in the Schedule.

(4) In regulation 16(3)(f)(iii), for “biodegradable waste” substitute “biodegradable local authority collected municipal waste”.

**Amendment of regulation 13 (determining the amount of biodegradable municipal waste in amounts of waste)**

12. In regulation 13—

- (a) in paragraph (2)(b) and (c), for “separated municipal waste” substitute “separated local authority collected municipal waste”; and
- (b) for paragraph (3) substitute—

“(3) In paragraph (2)—

“amount of local authority collected municipal waste” means the amount of local authority collected municipal waste for any period of time, but such period must be not less than three months;

“nearest relevant amount” means—

- (a) the nearest tonne; or
- (b) where the amount of biodegradable local authority collected municipal waste referred to in paragraph (2)(c) is—
  - (i) less than 10 tonnes, the nearest 100 kilograms;
  - (ii) less than 1 tonne, the nearest 10 kilograms;

“separated local authority collected municipal waste” means waste which has been separated from other local authority collected municipal waste, whether the separation occurs before or after the waste has been collected under arrangements made by a waste collection authority or waste disposal authority.”.

**Amendment of regulation 20 (penalties: exceeding allowances)**

13. Omit regulation 20(3) and (4).