

---

STATUTORY INSTRUMENTS

---

**2022 No. 190**

The Waste and Agriculture (Legislative Functions) Regulations 2022

PART 2

Waste: retention of legislative functions

CHAPTER 6

Retention of functions from the Waste Framework Directive

**Power to specify the application of the formula for incineration facilities**

17.—(1) The appropriate authority may, by regulations, make provision specifying the application of the formula for incineration facilities referred to in point R1 of Annex 2 (recovery operations) to the Waste Framework Directive.

(2) The provision which may be made under paragraph (1) includes—

- (a) modifying provision corresponding to that made by point R1 of Annex 2 to the Waste Framework Directive;
- (b) requiring a reference to point R1 of Annex 2 to the Waste Framework Directive (or a reference which encompasses that point) to be read as a reference to that point with modifications.

(3) In exercising the power in paragraph (1), the appropriate authority may take into account local climatic conditions, including the severity of the cold and the need for heating, to the extent that those conditions influence the amounts of energy that can be used or produced in the form of electricity, heating, cooling or processing steam.

(4) Regulations under paragraph (1) may modify any subordinate legislation.