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STATUTORY INSTRUMENTS

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**2022 No. 190**

**The Waste and Agriculture (Legislative Functions) Regulations 2022**

**PART 2**

Waste: retention of legislative functions

**CHAPTER 2**

Retention of function from the Landfill Directive

**Power to make provision in relation to sampling of waste**

**5.—**(1) The appropriate authority may, by regulations, make provision about a standard for the sampling of waste going to landfill.

(2) The provision which may be made under paragraph (1) includes provision modifying Council Decision 2003/33 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to [Directive 1999/31/EC](#)(1).

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

(4) In this regulation—

“landfill”—

- (a) in relation to England and Wales, has the meaning given by paragraph 2(1)(d) of Schedule 10 to the 2016 Regulations(2);
- (b) in relation to Scotland, has the meaning given by regulation 2(1) of the Landfill (Scotland) Regulations 2003(3);
- (c) in relation to Northern Ireland, has the meaning given by regulation 2(1) of the Landfill (Northern Ireland) Regulations 2003(4);

“waste” has the meaning given by section 37 of the Waste and Emissions Trading Act 2003(5).

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(1) EUDN 2003/33, as amended by [S.I. 2019/620](#).

(2) Paragraph 2 of Schedule 10 is amended by [S.I. 2019/39](#), [2020/904](#).

(3) [S.S.I. 2003/235](#); relevant amending instruments are [S.S.I. 2010/60](#), [2011/226](#).

(4) [S.R. 2003/496](#); relevant amending instruments are [S.R. 2006/280](#), [2007/258](#), [2011/101](#).

(5) [2003 c. 33](#). Section 37 is amended by [S.I. 2011/988](#), [2019/620](#), [2020/904](#) and in relation to Scotland was substituted by [S.S.I. 2011/226](#) and amended by [S.I. 2019/620](#), [2020/904](#).