

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Waste and Emissions Trading Act 2003^{F1} (“the Act”) is intended to achieve in the UK significant reductions in the quantity of biodegradable municipal waste sent to landfills, as required by Article 5 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste^{F2} (“the Landfill Directive”). The Act sets the framework for the creation of a landfill allowance scheme.

Section 1 of the Act obliges the Secretary of State to specify by regulations the maximum amount of biodegradable municipal waste that may be sent to landfills from the United Kingdom, England, Scotland, Wales and Northern Ireland. The maximum amount that may be authorised for the United Kingdom as a whole must be consistent with the obligations under Article 5 of the Landfill Directive.

Section 4 of the Act obliges the National Assembly for Wales (“the Assembly”) to allocate allowances to waste disposal authorities in Wales. The total allocation of allowances must not exceed the maximum specified in relation to Wales under section 1 of the Act.

These Regulations supplement the Waste and Emissions Trading Act 2003, by making detailed provision for the monitoring and enforcement of the landfill allowances allocated to waste disposal authorities under the Act.

Part 1 of the Regulations includes provisions on citation, commencement and application (regulation 1); interpretation (regulation 2); notices, notifications and submissions of forms (regulation 3); and electronic registers and forms (regulation 4).

Part 2 concerns monitoring.

Regulation 5 appoints the Environment Agency (“the Agency”) as the monitoring authority for Wales.

Regulation 6 imposes obligations on waste disposal authorities to keep detailed records on waste collection and the amount of waste sent to landfills; to make returns to the Agency; and to make other information available to the Agency on written notice.

Regulation 7 imposes obligations on operators of landfills to keep detailed records concerning waste accepted at landfills; to make returns to the Agency; and to make other information available to the Agency.

Regulation 8 provides that for the purposes of the Regulations, the amount of biodegradable waste in an amount of collected municipal waste is deemed to be 61 per cent.

Regulation 9 obliges the Agency to determine the amount of biodegradable municipal waste sent to landfills by each waste disposal authority.

Part 3 concerns registers.

Regulation 10 requires the Agency to establish and maintain a landfill allowances register.

Regulation 11 obliges the Assembly to establish and maintain a penalties register.

Regulation 12 obliges the Agency and the Assembly to ensure that the registers for which they are responsible are made available to the public.

Part 4 concerns penalties.

Regulation 13 makes provision for penalties to be imposed on waste disposal authorities for exceeding the allocated allowances.

Regulation 14 makes provision for penalties to be imposed on waste disposal authorities for failing to comply with the reporting requirements under these Regulations.

Regulation 15 makes general provision for penalties.

Part 5 concerns guidance.

Regulation 16 makes provision for guidance to waste disposal authorities.

Status:

Point in time view as at 25/06/2004.

Changes to legislation:

There are currently no known outstanding effects for the The Landfill Allowances Scheme (Wales) Regulations 2004.