# Waste and Emissions Trading Act 2003

**2003 CHAPTER 33**

## PART 1

WASTE

## CHAPTER 4

MISCELLANEOUS AND SUPPLEMENTARY

### 35 Repeal of duty to prepare recycling plans in England and Wales

The following provisions are repealed—

(a) section 49 of the Environmental Protection Act 1990 (collection authorities' waste recycling plans),

(b) sections 353(3) and 361 of the Greater London Authority Act 1999 (c. 29) (which refer to section 49 of the 1990 Act), and

(c) paragraph (a) of section 7(2) of the Local Government Act 2000 (c. 22) (power to amend etc. section 49(1)(c) of the 1990 Act).

### 36 Regulations under Part 1

(1) Any power to make regulations under this Part includes—

(a) power to make different provision for different cases, and

(b) power to make incidental, supplementary, consequential or transitional provision or savings.

(2) Power to make regulations under section 23(2)(a), (b) or (c) also includes—

(a) power to make different provision in relation to England, Scotland, Wales and Northern Ireland respectively, and

(b) power to make consequential provision amending section 3(6).

(3) Any power to make regulations under this Part is exercisable by statutory instrument, subject to subsection (4).

(4) Any power of the Department of the Environment to make regulations under this Part is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

## 37 Meaning of "waste" in Part 1

(1) In this Part "waste" means anything that—

(a) is waste for the purposes of the Waste Directive, and

(b) is not excluded from the scope of that Directive by Article 2 of that Directive.

(2) For the purposes of this section "the Waste Directive" means Council Directive 75/442/EEC as amended by—

(a) Council Directives 91/156/EEC and 91/692/EEC, and

(b) Commission Decision 96/350/EC.