

WASTE (WALES) MEASURE 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 20 - Orders and regulations: procedures

77. Subsection (1) provides the default position that any statutory instrument made under the Measure will be subject to the National Assembly's negative resolution procedure. There are two exceptions to this, set out in subsection (2). The first is orders under section 21(1) of the Measure, commencing section 3 of the Measure. These commencement orders are not subject to any Assembly procedure. Subsection (2) also provides that the negative procedure does not apply to the orders and regulations listed in subsection (3). These orders and regulations are subject to an affirmative resolution procedure.
78. Subsection (3) specifies the orders and regulations that need to be laid before, and be approved by a resolution of, the National Assembly (i.e. the orders and regulations that are subject to the affirmative procedure). These are –
- orders made under section 3(4) – orders amending the table of recycling, preparation for re-use and composting targets set out in section 3(3);
 - regulations made under section 4 (regulations to set waste targets);
 - regulations made under section 5 (1) (g) (regulations imposing liability on a local authority to pay a penalty if it fails to comply with regulations relating to monitoring and auditing compliance with targets);
 - regulations made under section 6 (regulations about penalties for breach of targets under sections 3 or 4 or for breach of monitoring and auditing requirements under section 5);
 - regulations made under section 9 (regulations prohibiting deposit of waste in a landfill); and regulations made under section 14 (regulations making provision for civil sanctions in respect of site waste management plans).
79. Subsection (4) provides that where regulations make provision that may be made by order, the procedure that would apply to the order under this section applies to the regulations. Similarly, under subsection (5), where an order makes provision that may be made by regulations, the procedure that would apply to the regulations under this section applies to the order. This ensures that, where provisions made under different sections of the Measure are made in a single statutory instrument, the Assembly procedure applicable to that instrument is clear.