



Waste and Emissions Trading Act 2003

2003 CHAPTER 33

PART 1

WASTE

CHAPTER 1

WASTE SENT TO LANDFILLS

Strategies for reducing landfilling of biodegradable waste

17 Strategy for England

- (1) The Secretary of State must have a strategy for reducing—
 - (a) the amount of biodegradable waste from England that goes to landfills, and
 - (b) the amount of biodegradable waste from outside England that goes to landfills in England.
- (2) The strategy required by subsection (1) must (in particular) include measures to achieve the targets specified for England under sections 1 and 2.
- (3) The measures mentioned in subsection (2) include (in particular) measures to achieve the targets by recycling, composting, biogas production, materials recovery or energy recovery.
- (4) Before formulating policy for the purposes of subsection (1), the Secretary of State must—
 - (a) consult the Scottish Ministers, the National Assembly for Wales, the Department of the Environment, the Environment Agency and the Mayor of London,
 - (b) consult such bodies or persons appearing to him to be representative of the interests of local government as he considers appropriate,

Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Cross Heading: Strategies for reducing landfilling of biodegradable waste. (See end of Document for details)

- (c) consult such bodies or persons appearing to him to be representative of the interests of industry as he considers appropriate, and
 - (d) carry out such public consultation as he considers appropriate.
- (5) The Secretary of State must set out in a statement any policy formulated for the purposes of subsection (1).
- (6) The Secretary of State must, as soon as a statement is prepared for the purposes of subsection (5), send a copy of it to—
- (a) the Scottish Ministers,
 - (b) the National Assembly for Wales, and
 - (c) the Department of the Environment.
- (7) Where subsection (1) is satisfied by policies set out in a statement under section 44A of the Environmental Protection Act 1990 (c. 43) (national waste strategy), if the statement was prepared before the coming into force of that subsection it does not matter that the policies were not formulated for the purposes of that subsection.
- (8) In section 353(4) of the Greater London Authority Act 1999 (c. 29) (Mayor’s duty to have regard to national waste strategy, and guidance relating to it, when preparing his municipal waste management strategy)—
- (a) before the word “and” at the end of paragraph (a) there is inserted—
 - “(aa) the strategy required by section 17 of the Waste and Emissions Trading Act 2003 (landfill strategy for England),”
 - and
 - (b) in paragraph (b), for “that strategy” there is substituted “ those strategies (or either of them) ”.
- (9) In section 354(2)(b) of that Act (directions about content of Mayor’s municipal waste management strategy given for purposes of implementing policies in national waste strategy), after “(national waste strategy)” there is inserted “ or of the policies contained in the strategy required by section 17 of the Waste and Emissions Trading Act 2003 (landfill strategy for England) ”.

Commencement Information

II S. 17 in force at 20.7.2004 by [S.I. 2004/1874](#), [art. 2](#)

18 Strategy for Scotland

- (1) The Scottish Ministers must have a strategy for reducing—
- (a) the amount of biodegradable waste from Scotland that goes to landfills, and
 - (b) the amount of biodegradable waste from outside Scotland that goes to landfills in Scotland.
- (2) The strategy required by subsection (1) must (in particular) include measures to achieve the targets specified for Scotland under sections 1 and 2.
- (3) The measures mentioned in subsection (2) include (in particular) measures to achieve the targets by means of recycling, composting, biogas production, materials recovery or energy recovery.

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- (4) Before formulating policy for the purposes of subsection (1), the Scottish Ministers must—
- (a) consult the Secretary of State, the National Assembly for Wales, the Department of the Environment and the Scottish Environment Protection Agency,
 - (b) consult such bodies or persons appearing to them to be representative of the interests of local government as they consider appropriate,
 - (c) consult such bodies or persons appearing to them to be representative of the interests of industry as they consider appropriate, and
 - (d) carry out such public consultation as they consider appropriate.
- (5) The Scottish Ministers must set out in a statement any policy formulated for the purposes of subsection (1).
- (6) The Scottish Ministers must, as soon as a statement is prepared for the purposes of subsection (5), send a copy of it to—
- (a) the Secretary of State,
 - (b) the National Assembly for Wales, and
 - (c) the Department of the Environment.
- (7) Where subsection (1) is satisfied by policies set out in a statement prepared before the coming into force of that subsection, it does not matter that the policies were not formulated for the purposes of that subsection.
- (8) Subsection (4) may be satisfied by consultation before, as well as by consultation after, the coming into force of this section.

Commencement Information

I2 S. 18 in force at 1.4.2005 by [S.S.I. 2005/52](#), [art. 2\(b\)](#)

19 Strategy for Wales

- (1) The National Assembly for Wales must have a strategy for reducing—
- (a) the amount of biodegradable waste from Wales that goes to landfills, and
 - (b) the amount of biodegradable waste from outside Wales that goes to landfills in Wales.
- (2) The strategy required by subsection (1) must (in particular) include measures to achieve the targets specified for Wales under sections 1 and 2.
- (3) The measures mentioned in subsection (2) include (in particular) measures to achieve the targets by means of recycling, composting, biogas production, materials recovery or energy recovery.
- (4) Before formulating policy for the purposes of subsection (1), the Assembly must—
- (a) consult the Secretary of State, the Scottish Ministers, the Department of the Environment and [^{F1}the Natural Resources Body for Wales],
 - (b) consult such bodies or persons appearing to it to be representative of the interests of local government as it considers appropriate,

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- (c) consult such bodies or persons appearing to it to be representative of the interests of industry as it considers appropriate, and
 - (d) carry out such public consultation as it considers appropriate.
- (5) The Assembly must set out in a statement any policy formulated for the purposes of subsection (1).
- (6) The Assembly must, as soon as a statement is prepared for the purposes of subsection (5), send a copy of it to—
- (a) the Secretary of State,
 - (b) the Scottish Ministers, and
 - (c) the Department of the Environment.
- (7) Where subsection (1) is satisfied by policies set out in a statement under section 44A of the Environmental Protection Act 1990 (c. 43) (national waste strategy), if the statement was prepared before the coming into force of that subsection it does not matter that the policies were not formulated for the purposes of that subsection.

Textual Amendments

- F1** Words in s. 19(4)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 413](#) (with Sch. 7)

Commencement Information

- I3** S. 19 in force at 25.6.2004 by [S.I. 2004/1488](#), art. 2(1)

20 ^[F2]Plan] for Northern Ireland

- (1) The Department of the Environment must have a ^[F3]plan] for reducing—
- (a) the amount of biodegradable waste from Northern Ireland that goes to landfills, and
 - (b) the amount of biodegradable waste from outside Northern Ireland that goes to landfills in Northern Ireland.
- (2) The ^[F4]plan] required by subsection (1) must (in particular) include measures to achieve the targets specified for Northern Ireland under sections 1 and 2.
- (3) The measures mentioned in subsection (2) include (in particular) measures to achieve the targets by means of recycling, composting, biogas production, materials recovery or energy recovery.
- (4) Before formulating policy for the purposes of subsection (1), the Department must—
- (a) consult the Secretary of State, the Scottish Ministers and the National Assembly for Wales,
 - (b) consult such bodies or persons appearing to it to be representative of the interests of local government as it considers appropriate,
 - (c) consult such bodies or persons appearing to it to be representative of the interests of industry as it considers appropriate, and
 - (d) carry out such public consultation as it considers appropriate.
- (5) The Department must set out in a statement any policy formulated for the purposes of subsection (1).

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- (6) The Department must, as soon as a statement is prepared for the purposes of subsection (5), send a copy of it to—
- (a) the Secretary of State,
 - (b) the Scottish Ministers, and
 - (c) the National Assembly for Wales.
- (7) Where subsection (1) is satisfied by policies set out in a statement prepared before the coming into force of that subsection, it does not matter that the policies were not formulated for the purposes of that subsection.
- (8) Subsection (4) may be satisfied by consultation before, as well as by consultation after, the coming into force of this section.

Textual Amendments

- F2** Word in s. 20 heading substituted (16.1.2020) by [The Waste Regulations \(Northern Ireland\) 2019 \(S.R. 2019/240\)](#), regs. 1, **14(a)**
- F3** Word in s. 20(1) substituted (16.1.2020) by [The Waste Regulations \(Northern Ireland\) 2019 \(S.R. 2019/240\)](#), regs. 1, **14(b)**
- F4** Word in s. 20(2) substituted (16.1.2020) by [The Waste Regulations \(Northern Ireland\) 2019 \(S.R. 2019/240\)](#), regs. 1, **14(b)**
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Commencement Information

- I4** S. 20 in force at 17.9.2004 by [S.R. 2004/399](#), **art. 2(2)**

Changes to legislation:

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