



# 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The following provisions are repealed—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).

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*Status: This is the original version (as it was originally enacted).*

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- (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](#).