



Waste and Emissions Trading Act 2003

2003 CHAPTER 33

PART 1

WASTE

CHAPTER 3

WASTE MANAGEMENT IN ENGLAND

33 Power to disapply duties under section 32

- (1) The Secretary of State may by regulations make provision for a duty under section 32(1) to (7)—
- (a) not to apply to an authority if conditions specified in the regulations are met;
 - (b) not to apply to an authority if, on an application made in accordance with the regulations, the Secretary of State is satisfied that conditions specified in the regulations are met;
 - (c) not to apply to the waste authorities for a two-tier area if, by reason of provision under paragraphs (a) and (b), it applies to one or more, but not all, of them;
 - (d) not to apply to the waste authorities for a two-tier area if, on an application made in accordance with the regulations, the Secretary of State is satisfied that conditions specified in the regulations are met.
- (2) The power under paragraph (a) or (b) of subsection (1) must be exercised so that provision under that paragraph will cause a duty under section 32(1) to (7) not to apply to an authority only if—
- (a) the standard of the authority's performance in carrying out functions of its has been at, or above, a particular level, and
 - (b) that level is—
 - (i) the level that, in the Secretary of State's opinion, counts as satisfactory performance, or

Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Section 33. (See end of Document for details)

- (ii) a level that, in his opinion, is higher than that level.
- (3) The power under paragraph (d) of subsection (1) must be exercised so that provision under that paragraph will cause a duty under section 32(1) to (7) not to apply to the waste authorities for a two-tier area only if—
- (a) as respects at least one of the authorities, the standard of its performance in carrying out functions of its has been at, or above, a particular level, or
 - (b) as respects at least two of the authorities, each has so carried out functions of its that the overall standard of their performance in carrying out those functions has been at, or above, a particular level,
- and (in either case) that level is one mentioned in subsection (2)(b).
- (4) Subject to subsection (2), the conditions that may be specified under subsection (1) (a) include (in particular) conditions that may be met only in the case of authorities that from time to time are, by reason of provision made by or under an enactment, of a particular category.
- (5) Regulations under subsection (1) may include—
- (a) provision about the duration of any disapplication under that subsection of a duty;
 - (b) provision postponing the application of a duty on the coming to an end of a disapplication under that subsection of the duty;
 - (c) provision modifying the application of subsections (1) to (7) of section 32 in relation to a two-tier area where a duty under those subsections applies to one or more, but not all, of the waste authorities for the area.
- (6) A statutory instrument that contains regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A reference in subsection (2)(a) or (3)(a) or (b) to functions of an authority is to functions of the authority in any capacity (and not only to functions of its in its capacity as a waste disposal authority or waste collection authority).

Changes to legislation:

There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Section 33.