
STATUTORY INSTRUMENTS

1997 No. 351

ENVIRONMENTAL PROTECTION

**The Waste Management (Miscellaneous
Provisions) Regulations 1997**

<i>Made</i>	- - - -	<i>13th February 1997</i>
<i>Laid before Parliament</i>		<i>21st February 1997</i>
<i>Coming into force</i>		
<i>except for regulation 2</i>		<i>1st April 1997</i>
<i>regulation 2</i>		<i>14th March 1997</i>

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred on them by sections 52(8) and 74(6) of the Environmental Protection Act 1990(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Waste Management (Miscellaneous Provisions) Regulations 1997 and, except for regulation 2, shall come into force on 1st April 1997.

(2) Regulation 2 shall come into force on 14th March 1997.

Relevant Offences

2. An offence shall be a relevant offence for the purposes of section 74(3)(a) of the Environmental Protection Act 1990 (in addition to the offences prescribed by regulation 3 of the Waste Management Licensing Regulations 1994(2)) if it is an offence under paragraph 15(1), (3), (4) or (5) of Schedule 5 to the Finance Act 1996 (landfill tax)(3).

Amendment of the Environmental Protection (Waste Recycling Payments) Regulations 1992

3. For the Schedule to the Environmental Protection (Waste Recycling Payments) Regulations 1992(4) there shall be substituted the following –

(1) 1990 c. 43.
(2) S.I.1994/1056, to which there are amendments not relevant to these Regulations.
(3) 1996 c. 8.
(4) S.I. 1992/462; relevant amending instruments are S.I. 1994/522 and 1996/634 (the latter being the last instrument to substitute the Schedule).

“THE SCHEDULE

Regulation 2(5)

REPRESENTATIVE SAVINGS IN WASTE DISPOSAL COSTS

Type of waste disposal authority	Saving in waste disposal costs per tonne
A London waste disposal authority for an area which includes an inner London borough. The council of an inner London borough. The Common Council of the City of London.	£44.58
A London waste disposal authority which comprises outer London boroughs. The council of an outer London borough.	£38.87
The Greater Manchester Waste Disposal Authority. The Merseyside Waste Disposal Authority. The council of a metropolitan district.	£32.06
Any other waste disposal authority.	£25.22 where the authority incurs any transport costs in disposing of similar waste and £17.25 in other cases.”.

Revocation of regulations

4. The following regulations (each of which substituted a new Schedule to the 1992 Regulations) are hereby revoked—

- (a) the Environmental Protection (Waste Recycling Payments) (Amendment) Regulations 1993(5);
- (b) regulation 2(3) of the Environmental Protection (Waste Recycling Payments) (Amendment) Regulations 1994(6);
- (c) the Environmental Protection (Waste Recycling Payments) (Amendment) Regulations 1995(7);
- (d) regulation 6 of the Waste Management Regulations 1996(8).

Signed by authority of the Secretary of State

8th February 1997

Ferrers
Minister of State,
Department of the Environment

(5) S.I. 1993/445.
(6) S.I. 1994/522.
(7) S.I. 1995/476.
(8) S.I. 1996/634.

Signed by authority of the Secretary of State for Wales

11th February 1997

Jonathan Evans
Parliamentary Under-Secretary of State, Welsh
Office

13th February 1997

Lindsay
Parliamentary Under-Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous amendments to waste management legislation.

Section 74 of the Environmental Protection Act 1990 makes provision for the determination by a waste regulation authority of the question whether a person is or is not a fit and proper person to hold a waste management licence. One consideration is whether such a person has been convicted of a “relevant offence”; relevant offences are listed in regulation 3 of the Waste Management Licensing Regulations 1994. Regulation 2 prescribes as additional relevant offences the criminal offences in respect of landfill tax created by paragraph 15(1) and (3) to (5) of Schedule 5 to the Finance Act 1996.

Regulation 3 substitutes a new Schedule for that in the Environmental Protection (Waste Recycling Payments) Regulations 1992, which make provision for determining the net saving of expenditure payable by waste disposal authorities to waste collection authorities and other persons who collect and retain waste for recycling. The Schedule provides figures for determining the net saving where this cannot otherwise be determined because sufficient accurate information is not available or could only be obtained at excessive cost. The new Schedule increases the figures, firstly, to take account of rises in the retail price index and, secondly by £7 per tonne to reflect the additional cost associated with the landfill tax.

Regulation 4 revokes earlier amendments which are spent.