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STATUTORY INSTRUMENTS

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**2004 No.3192 (C.138)**

**ENVIRONMENTAL PROTECTION**

The Waste and Emissions Trading Act  
2003 (Commencement No.3) Order 2004

Made - - - - 2nd December 2004

The Secretary of State, in exercise of the powers conferred upon her by section 40(1) of the Waste and Emissions Trading Act(1), hereby makes the following Order:

**Citation**

1. This Order may be cited as the Waste and Emissions Trading Act 2003 (Commencement No.3) Order 2004.

**Commencement**

2. Section 3(2) of the Waste and Emissions Trading Act 2003 shall come into force on the day after the day on which this Order is made.

*Elliot Morley*  
Minister of State  
Department for Environment Food and Rural  
Affairs

2nd December 2004

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(1) 2003 c. 33.  
(2) Section 3 extends to the whole of the United Kingdom.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on the 3rd December 2004 all the provisions of section 3 of the Waste and Emissions Trading Act 2003 (“the Act”).

Part 1 of the Act provides, amongst other things, for the setting up of landfill allowances schemes in each country of the United Kingdom.

As part of setting up these schemes the Secretary of State has power under section 2 of the Act to make regulations specifying the amount by weight of biodegradable municipal waste allowed, in a scheme year that is not a target year, to be sent to landfills from England, Scotland, Wales and Northern Ireland. This power was exercised in the Landfill (Scheme Year and Maximum Landfill Amount) Regulations 2004 (S.I.2004/1936).

Section 3 of the Act applies if for England, Scotland, Wales or Northern Ireland no amount has been specified under section 2 for a scheme year which is not a target year, and that scheme year is itself followed by a target year (section 3(1)). The maximum amount for the scheme year is then given by the formula set out in section 3(2). Paragraphs (3) to (5) of section 3 specify how this formula is to be applied.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

| <i>Provision</i>  | <i>Date of Commencement</i> | <i>S.I. No.</i>  |
|-------------------|-----------------------------|------------------|
| Sections 2 and 39 | 20th April 2004             | 2004/1163 (C.49) |
| Sections 1 and 17 | 19th July 2004              | 2004/1874 (C.80) |

**Changes to legislation:**

There are currently no known outstanding effects for the The Waste and Emissions Trading Act 2003 (Commencement No.3) Order 2004.