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STATUTORY INSTRUMENTS

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**2011 No. 2499**

The Waste and Emissions Trading Act  
2003 (Amendment) Regulations 2011

PART 2

Amendment of the Waste and Emissions Trading Act 2003

**Amendment of the Waste and Emissions Trading Act 2003**

2. Chapter 1 of Part 1 of the Waste and Emissions Trading Act 2003 (waste sent to landfills) is amended in accordance with regulations 3 to 8.

**Substitution of references to “biodegradable local authority collected municipal waste”**

3. In the following provisions, for “biodegradable municipal waste” substitute “biodegradable local authority collected municipal waste”—

- (a) section 4(1) (allocation of landfill allowances);
- (b) section 9(1) (duty not to exceed allowances);
- (c) section 10(2)(a) (monitoring authorities);
- (d) section 11(2)(d) and (f) (scheme regulations);
- (e) section 12(1) and (2)(b)(i) (powers in relation to waste disposal authorities).

**Amendment of section 4 (allocation of landfill allowances)**

4. In section 4—

- (a) for subsection (2) substitute—

“(2) In performing the duty under subsection (1), an allocating authority must ensure that the total amount of waste authorised to be sent to landfills by the allowances it allocates for a year does not cause the amount of biodegradable municipal waste sent to landfills for that year to exceed the amount specified for its area under section 1 or 2.”; and

- (b) at the end of subsection (4)(b) insert “including in particular how the authority has complied with the duty in subsection (2)”.

**Amendment of section 5 (alteration of allocations under section 4)**

5. In section 5—

- (a) for subsection (3) substitute—

“(3) In exercising the power under subsection (1), an authority must ensure that the total amount of waste authorised to be sent to landfills by allowances allocated by it for a year does not cause the amount of biodegradable municipal waste sent to landfills for that year to exceed the amount specified for its area under section 1 or 2.”; and

- (b) at the end of subsection (4)(b) insert “including in particular how the authority has complied with the duty in subsection (3)”.

#### **Amendment of section 21 (“biodegradable waste” and “municipal waste”)**

6.—(1) For the heading of section 21 substitute—

“*“Biodegradable waste”, “municipal waste” and “local authority collected municipal waste”*”.

(2) In section 21—

(a) for subsection (2) substitute—

“(2) In this Chapter—

(a) “biodegradable municipal waste” means waste that is both biodegradable waste and municipal waste; and

(b) “biodegradable local authority collected municipal waste” means waste that is both biodegradable waste and local authority collected municipal waste.”;

(b) in subsection (3), for “subsection (2)” substitute “this section”; and

(c) after subsection (3) insert—

“(4) In subsection (2) “local authority collected municipal waste” means any municipal waste which is collected under arrangements made by a waste collection authority or a waste disposal authority.

(5) In subsection (4) “waste collection authority”—

(a) in relation to England and Wales and Scotland, has the same meaning as in Part 2 of the Environmental Protection Act 1990(1);

(b) in relation to Northern Ireland, means a district council.”.

#### **Amendment of section 25 (activities to which Chapter 1 does not apply)**

7. In section 25(1), after “biodegradable waste”, insert “, biodegradable local authority collected municipal waste”.

#### **Disapplication of certain penalty provisions where the allocating authority is the Secretary of State**

8. The following provisions cease to apply where the allocating authority is the Secretary of State—

(a) section 9(3) and (4) (duty not to exceed allowances);

(b) section 26(4) (penalties under Chapter 1: general).

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(1) 1990 c. 43. The definition of “waste collection authorities” in section 30(3) was amended by section 66(8) of, and Schedule 18 to, the Local Government (Wales) Act 1994 (c. 19), and by section 180 of, and paragraph 167(3) of Schedule 13 to, the Local Government etc. (Scotland) Act 1994 (c. 39).