
WELSH STATUTORY INSTRUMENTS

2005 No. 666

**The Products of Animal Origin (Third
Country Imports) (Wales) Regulations 2005**

PART 5

Burial of Unused On-Board Catering Supplies in Landfills

Approval of landfills

30.—(1) Any person disposing of material in accordance with regulation 29 by burial in a landfill shall only do so in a landfill approved under this regulation.

(2) The National Assembly for Wales shall only approve a landfill for the purposes of disposal of material under regulation 29 if it is satisfied that—

- (a) the material will be buried without undue delay so as to prevent access to it by wild birds;
- (b) the operator has taken adequate steps to prevent access to the unrestored and current working area of the landfill by ungulates; and
- (c) the operator will comply with any conditions of the approval.

(3) The approval shall be in writing, may be made subject to conditions, and may be amended or suspended by notice in writing in accordance with regulation 32.

(4) If the National Assembly for Wales refuses to grant an approval, or grants an approval subject to a condition, it shall by notice in writing served on the applicant—

- (a) give the reasons, and
- (b) explain the right of the applicant to make written representations to the National Assembly for Wales and to appear before and be heard by an independent person appointed by the National Assembly for Wales in accordance with regulation 33.

Operators of landfills

31.—(1) The operator of a landfill approved in accordance with regulation 30 shall—

- (a) maintain and operate the premises in accordance with the requirements in paragraph 30(2) (a) and (b) and any conditions of the approval;
- (b) ensure that any person employed by him or her, and any person permitted to enter the premises complies with those requirements and conditions;
- (c) comply with the record-keeping requirements contained in Article 9 of Regulation (EC) No. 1774/2002; and
- (d) keep equivalent records for material referred to in regulation 29(3).

(2) The records required to be kept under this regulation may be in written or electronic form and shall be kept for at least two years.

Amendment, suspension and revocation of approvals

32.—(1) Where the National Assembly for Wales is satisfied that any condition of the approval is no longer fulfilled, or that the requirements in regulation 30(2)(a) and (b) are not being complied with, or that it is necessary to do so for public or animal health reasons, it may, by notice in writing served on the operator, suspend the approval.

(2) Where the National Assembly for Wales is satisfied that any condition of the approval should be amended for public or animal health reasons, it may, by notice in writing served on the operator, amend the approval.

(3) A suspension under paragraph (1) or an amendment under paragraph (2)——

- (a) shall have immediate effect if the National Assembly for Wales is satisfied that it is necessary for it to do so for the protection of public or animal health; and
- (b) otherwise shall not have effect for at least twenty-one days following service of the notice.

(4) The notice in paragraph (1) or (2) shall——

- (a) give the reasons for the suspension or amendment; and
- (b) explain the right of the operator of the premises to make written representations to the National Assembly for Wales and to be heard by an independent person appointed by the National Assembly for Wales in accordance with regulation 33.

(5) Where there is an appeal under regulation 33, an amendment or suspension shall not have effect until the final determination by the National Assembly for Wales in accordance with that regulation unless the National Assembly for Wales considers it necessary for the protection of public or animal health for the amendment or suspension to take effect sooner.

(6) Where the National Assembly for Wales has suspended an approval, and——

- (a) no appeal is brought in accordance with regulation 33; or
- (b) the National Assembly for Wales upholds the suspension following such an appeal,

it may by notice in writing revoke the approval provided that she is satisfied, taking into account all the circumstances of the case, that the premises will not be operated in accordance with the requirements of regulation 30(2)(a) or (b) or the conditions, if any, of the approval.

Appeals

33.—(1) A person on whom a notice is served under paragraph (4) of regulation 30 or paragraph (1) or (2) of regulation 32 may within twenty-one days beginning with the day on which the notice is served——

- (a) provide written representations to the National Assembly for Wales; and
- (b) give notice in writing that he wishes to appear before and be heard by an independent person appointed by the National Assembly for Wales.

(2) Where an appellant gives notice of his wish to appear before and be heard by an independent person appointed for the purpose——

- (a) the National Assembly for Wales shall appoint an independent person to hear representations and specify a time limit within which representations to that independent person must be made;
- (b) the person so appointed shall not, except with the consent of the appellant, be an officer or servant of the National Assembly for Wales;
- (c) if the appellant so requests, the hearing shall be in public;
- (d) the independent person shall report to the National Assembly for Wales.; and

- (e) if the appellant so requests, the National Assembly for Wales shall provide him or her with a copy of the independent person's report.
- (3) The National Assembly for Wales shall give to the appellant written notification of its final determination and the reasons for it.