



# Local Government in Scotland Act 2003

## 2003 asp 1

### PART 6

#### WASTE MANAGEMENT

#### 34 Integrated waste management plans

(1) After section 44 of the Environmental Protection Act 1990 (c. 43) there is inserted—

*“Integrated waste management plans: Scotland*

#### **44ZA Duty to prepare integrated waste management plan**

- (1) It shall be the duty of a local authority to—
  - (a) prepare an integrated waste management plan; and
  - (b) submit it to the Scottish Ministers for approval.
- (2) An integrated waste management plan is a plan which—
  - (a) sets out, by reference to policies contained in the National Waste Strategy, how the local authority intends to carry out its functions as waste disposal authority and waste collection authority (its “waste management functions”); and
  - (b) without prejudice to the generality of paragraph (a) above, contains statements on such matters relating to the carrying out of those functions as the Scottish Ministers may specify in directions.
- (3) Directions under subsection (2)(b) above may, in particular, require integrated waste management plans to include statements setting out—
  - (a) levels of performance (“performance targets”) which the local authority shall, in performing its waste management functions, endeavour to meet;
  - (b) steps which the local authority proposes to take in endeavouring to meet performance targets;
  - (c) arrangements which the local authority proposes to enter into with one or more other local authorities for the purpose of securing co-

operation, in the carrying out of their respective waste management functions, between the local authorities.

- (4) Integrated waste management plans shall—
- (a) be prepared, and submitted, under subsection (1) above by such date; and
  - (b) relate to such period of time, as the Scottish Ministers may direct.
- (5) A local authority shall, in preparing its integrated waste management plan, have regard to such matters as the Scottish Ministers may direct.
- (6) In this section, and in sections 44ZB to 44ZD below—
- “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39);
- “National Waste Strategy” means the strategy prepared by SEPA under section 44B below, as modified from time to time; and
- “SEPA” means the Scottish Environment Protection Agency.

#### **44ZB Approval of integrated waste management plan**

- (1) The Scottish Ministers shall—
- (a) approve an integrated waste management plan submitted to them under section 44ZA(1)(b) above without modification;
  - (b) approve the plan with such modifications as they consider appropriate; or
  - (c) refuse to approve the plan.
- (2) If the Scottish Ministers refuse to approve a plan which has been so submitted they shall—
- (a) notify the local authority in writing of that fact; and
  - (b) require the local authority to prepare and submit, by such date as the Scottish Ministers may specify, a further integrated waste management plan.
- (3) The Scottish Ministers shall—
- (a) approve an integrated waste management plan submitted to them under subsection (2)(b) above without modification; or
  - (b) approve the plan with such modifications as they consider appropriate.
- (4) The Scottish Ministers shall—
- (a) give written notice of their approval, under subsection (1) or (3) above, of an integrated waste management plan to the local authority; and
  - (b) if they have modified the plan, send a copy of the plan as modified to the local authority.
- (5) The local authority shall, on receipt of notice given under subsection (4)(a) above—
- (a) give public notice of the approved integrated waste management plan; and

(b) send a copy of it to SEPA.

(6) It shall be the duty of a local authority to make arrangements for allowing any person to—

(a) inspect its approved integrated waste management plan at its principal offices at any reasonable time;

(b) obtain a copy of it, or any part of it, on payment of such reasonable fee (if any) as the local authority may determine.

#### **44ZC Implementation of integrated waste management plan**

(1) It shall be the duty of a local authority—

(a) to endeavour to carry out its waste management functions in accordance with its approved integrated waste management plan; and

(b) if requested by the Scottish Ministers, to provide the Scottish Ministers, by the date specified in their request, with a statement setting out whether the local authority is so carrying out its waste management functions.

(2) A statement provided under subsection (1)(b) above shall contain such information as the Scottish Ministers may direct.

(3) Directions under subsection (2) above may, in particular, require a local authority to—

(a) advise whether it has met, or is likely to meet, any performance targets set out in the plan; and

(b) if it has not done so, or is not likely to do so, explain why it considers the performance targets have not been, or are not likely to be, met.

#### **44ZD Modification of integrated waste management plan**

(1) A local authority—

(a) may, from time to time; and

(b) shall, if requested by the Scottish Ministers,

modify its integrated waste management plan and submit it, as modified, to the Scottish Ministers for approval.

(2) Sections 44ZA to 44ZC apply in relation to a plan which is modified as they apply in relation to a plan prepared and submitted under section 44ZA(1) above.”.

(2) Section 49 (waste recycling plans) of that Act of 1990 is repealed.