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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Waste (Miscellaneous Amendments)  
(EU Exit) Regulations 2019**

**PART 2**

Amendment of out of date references

**Environmental Protection Act 1990**

2.—(1) The Environmental Protection Act 1990(1) is amended as follows.

(2) In section 33(13)(2), as it extends to England and Wales, for the words from “[Directive 2008/98/EC](#)(3)” to the end substitute “the Waste Framework Directive”.

(3) In section 34(2A)(4), as it extends to Scotland, for “Waste Directive” substitute “Waste Framework Directive”.

(4) In section 57(8)(5), as it extends to England and Wales, in the definition of “waste”, for “[Directive 2008/98/EC](#) of the European Parliament and of the Council on waste” substitute “the Waste Framework Directive”.

(5) In section 62A(1)(b) and (2)(b)(6), for “[Directive 2008/98/EC](#), as last amended by [Council Regulation \(EU\) 2017/997](#)(7)” substitute “the Waste Framework Directive”.

(6) In section 75(8)—

(a) after subsection (1), insert—

“(1A) “Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by [Council Regulation \(EU\) 2017/997](#).”;

(b) in subsection (2)—

(i) as it extends to England and Wales, for “[Directive 2008/98/EC](#) of the European Parliament and of the Council on waste” substitute “the Waste Framework Directive”;

(ii) as it extends to Scotland, in paragraph (a), for “Waste Directive” substitute “Waste Framework Directive”;

(c) omit subsection (12) as it extends to Scotland.

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(1) 1990 c. 43.

(2) Section 33(13) was inserted in relation to England and Wales by [S.I. 2007/3538](#), and amended by [S.I. 2016/738](#).

(3) OJ No L 312, 22.11.2008, p 3.

(4) Section 34(2A) was inserted in relation to Scotland by [S.S.I. 2011/226](#).

(5) Section 57(8) was substituted in relation to England and Wales by [S.I. 2005/3026](#), and amended by [S.I. 2011/988](#).

(6) Section 62A was inserted by [S.I. 2005/894](#), and amended by [S.I. 2011/988](#), [2015/1360](#), [2018/721](#) (W. 140) and 942.

(7) OJ No L 150, 14.6.2017, p 1.

(8) Section 75(2) as it extends to England and Wales, was substituted by [S.I. 2011/988](#); section 75(2) as it extends to Scotland was amended by [S.S.I. 2018/219](#). Section 75(12) as it extends to Scotland was substituted by [S.S.I. 2015/188](#).

### **Waste and Emissions Trading Act 2003**

3.—(1) Section 37 of the Waste and Emissions Trading Act 2003<sup>(9)</sup> is amended as follows.

(2) In subsection (2), as it extends to England and Wales and Scotland, at the end insert “, as last amended by [Council Regulation \(EU\) 2017/997](#)”.

(3) For subsection (2), as it extends to Northern Ireland, substitute—

“(2) For the purposes of this section, “the Waste Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by [Council Regulation \(EU\) 2017/997](#).”.

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(9) [2003 c. 33](#). Section 37, as it extends to England and Wales, was amended by [S.I. 2011/988](#); section 37, as it extends to Scotland, was substituted by [S.S.I. 2011/226](#).