



Waste and Emissions Trading Act 2003

2003 CHAPTER 33

PART 1

WASTE

CHAPTER 1

WASTE SENT TO LANDFILLS

Interpretation of Chapter 1

21 [^{F1}“**Biodegradable waste**”, “**municipal waste**” and “**local authority collected municipal waste**”]

- (1) In this Chapter “biodegradable waste” means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as—
food and garden waste, and
paper and paperboard.

[^{F2}(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.]

[^{F3}(3) In this section “municipal waste” means—

- (a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture; and
(b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households.

Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Cross Heading: Interpretation of Chapter 1. (See end of Document for details)

(3A) But municipal waste does not include waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or waste generated by construction and demolition activities.]

[^{F4}(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;
- (b) in relation to Northern Ireland, means a district council.]

Textual Amendments

- F1** S. 21 heading substituted (21.11.2011) by [The Waste and Emissions Trading Act 2003 \(Amendment\) Regulations 2011 \(S.I. 2011/2499\)](#), regs. 1(2), **6(1)**
- F2** S. 21(2) substituted (21.11.2011) by [The Waste and Emissions Trading Act 2003 \(Amendment\) Regulations 2011 \(S.I. 2011/2499\)](#), regs. 1(2), **6(2)(a)**
- F3** S. 21(3)(3A) substituted for s. 21(3) (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), regs. 1(1), **5(2)**
- F4** S. 21(4)(5) inserted (21.11.2011) by [The Waste and Emissions Trading Act 2003 \(Amendment\) Regulations 2011 \(S.I. 2011/2499\)](#), regs. 1(2), **6(2)(c)**

22 “Landfill”

- (1) In this Chapter “landfill” means a site for the deposit of waste onto or into land where the site is—
 - (a) a waste disposal site, or
 - (b) used for the storage of waste.
- (2) In determining whether a site is a landfill for the purposes of this Chapter, the following activities at the site are to be ignored—
 - (a) the temporary storage of waste if the site is used for such storage for less than one year;
 - (b) the unloading of waste in order to permit the waste to be prepared for further transport for recovery, treatment or disposal elsewhere;
 - (c) the storage of waste, prior to recovery or treatment, for a period of less than three years as a general rule;
 - (d) the storage of waste, prior to disposal, for a period of less than one year.
- (3) The fact that a site for the deposit of waste is at the place of production of the waste does not prevent the site from being a landfill for the purposes of this Chapter.
- (4) In subsection (2) “treatment” means the physical, thermal, chemical or biological processes, including sorting, that change the characteristics of waste in order to—
 - (a) reduce its volume,
 - (b) reduce its hazardous nature,
 - (c) facilitate its handling, or
 - (d) enhance its recoverability.

Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Cross Heading: Interpretation of Chapter 1. (See end of Document for details)

23 “Scheme year” and “target year”

[^{F5}(1) In this Chapter—

“scheme year” means—

- (a) for England, Scotland and Northern Ireland, a year beginning with 1st April in any of 2005 to 2019; and
- (b) for Wales—
 - (i) the period of six months beginning with 1st October 2004, or
 - (ii) a year beginning with 1st April in any of 2005 to 2019;

“target year” means a scheme year ending with 31st March in 2010, 2013 or 2020.]

(2) The Secretary of State may by regulations amend subsection (1) for the purpose of—

- (a) providing for a different day to be the first day of a scheme year;
- (b) adding or omitting one or more scheme years;
- (c) providing for a scheme year to be a period shorter or longer than a year;
- (d) changing the target years or any of them;
- (e) adding or omitting one or more target years.

[^{F6}(3) The power under subsection (2) is exercisable only with the agreement of the Scottish Ministers, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.]

Textual Amendments

F5 S. 23(1) substituted (22.7.2004) by [Landfill \(Scheme Year and Maximum Landfill Amount\) Regulations 2004 \(S.I. 2004/1936\)](#), regs. 1, **2(2)**

F6 S. 23(3) substituted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/620\)](#), regs. 1(2)(b), **6(3)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

24 Other definitions

(1) For the purposes of this Chapter, the “allocating authority”—

- ^{F7}(a)
- (b) for Scotland is the Scottish Ministers,
- (c) for Wales is the National Assembly for Wales, and
- (d) for Northern Ireland is the Department of the Environment.

(2) In this Chapter, any reference to an allocating authority’s “area” is to the area for which it is the allocating authority for the purposes of this Chapter.

(3) In this Chapter “landfill allowances” means allowances allocated under section 4(1).

(4) References in this Chapter to the monitoring authority for an area are to the monitoring authority designated for the area by regulations under section 10(1).

(5) [^{F8}In this Chapter] “waste disposal authority”—

- (a) in relation to England, Wales and Scotland has the same meaning as in Part 2 of the Environmental Protection Act 1990 (c. 43);
- (b) in relation to Northern Ireland means a district council.

^{F9}(6)

Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Cross Heading: Interpretation of Chapter 1. (See end of Document for details)

F10(7)

Textual Amendments

- F7** S. 24(1)(a) omitted (31.3.2013) by virtue of [The Waste and Emissions Trading Act 2003 \(Amendment etc.\) Regulations 2013 \(S.I. 2013/141\)](#), regs. 1(1)(b), **3(4)** (with reg. 8)
- F8** Words in s. 24(5) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(33)(a)**; [S.I. 2015/994](#), art. 6(g)
- F9** S. 24(6) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(33)(b)**; [S.I. 2015/994](#), art. 6(g)
- F10** S. 24(7) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(33)(b)**; [S.I. 2015/994](#), art. 6(g)

Changes to legislation:

There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003,
Cross Heading: Interpretation of Chapter 1.