

## SCHEDULE 2

### PART I

#### MODIFICATIONS OF ACTS OF PARLIAMENT

##### **Environmental Protection Act 1990 (c. 43)**

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

(2) In section 34(9) (duty of care etc. as respects waste)—

- (a) for “The” there is substituted “A”;
- (b) after “laid” there is inserted “(a)”; and
- (c) at the end there is inserted

“;or

(b) if it relates only to Scotland before the Scottish Parliament.”.

(3) In section 78YA (supplementary provisions with respect to guidance by the Secretary of State)(1), after subsection (4) there is inserted—

“(4A) Subsections (2) to (4) shall not apply in respect of a draft of any guidance to be issued under section 78A(2) or (5), 78B(2) or 78F(6) or (7) above which relates only to Scotland and such a draft shall be laid before the Scottish Parliament and shall not be issued until after the end of the period of 40 days beginning with the day on which the draft was so laid.

(4B) If within the period mentioned in subsection (4A) above the Scottish Parliament resolves that the guidance, the draft of which was laid before it, should not be issued, the Scottish Ministers shall not issue that guidance.

(4C) In reckoning any period of 40 days for the purposes of subsection (4A) or (4B) above no account shall be taken of any time during which the Scottish Parliament is dissolved or is in recess for more than 4 days.”.

(4) In section 89 (duty to keep land and highways clear of litter)—

- (a) in subsection (13) for “this section” there is substituted “subsection (11) above”; and
- (b) after subsection (13) there is inserted—

“(13A) Subsections (11) to (13) shall not apply in respect of a draft code prepared under subsection (7) above which relates only to Scotland and such a code shall be laid before the Scottish Parliament and shall not be issued until after the end of the period of 40 days beginning with the day on which the code was so laid.

(13B) If within the period mentioned in subsection (13A) above the Scottish Parliament resolves that the code, the draft of which was laid before it, should not be issued the Scottish Ministers shall not issue that code.

(13C) No account shall be taken in reckoning any period of 40 days for the purposes of subsection (13A) above of any time during which the Scottish Parliament is dissolved or is in recess for more than 4 days.”.

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(1) Section 78YA was inserted by section 57 of the Environment Act 1995 (c. 25)