
WELSH STATUTORY INSTRUMENTS

2010 No. 1820 (W.177)

ENVIRONMENT, WALES

TRIBUNALS AND INQUIRIES, WALES

**The Environmental Civil Sanctions (Miscellaneous
Amendments) (Wales) Regulations 2010**

Made - - - - *14 July 2010*

Coming into force - - *15 July 2010*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by—

sections 93, 94 and 95 of the Environment Act 1995(1);

section 62 of the Regulatory Enforcement and Sanctions Act 2008(2); and

section 2(2) of the European Communities Act 1972(3). (The Welsh Ministers are designated(4) for the purposes of that Act in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste and the management of packaging and packaging waste, in relation to persistent organic pollutants, dangerous substances, preparations and chemicals, and in relation to measures relating to the regulation and control of the use of sewage sludge in agriculture).

In accordance with section 93(2) of the Environment Act 1995 the Welsh Ministers have consulted such bodies and persons appearing to be representative of bodies or persons whose interests are, or are likely to be substantially affected by these Regulations; the Welsh Ministers are satisfied, pursuant to section 93(3) of that Act, as to the matters specified in section 93(6) of that Act; and the Welsh Ministers exercise this power in the manner considered best calculated to secure that it does not have the effect of restricting, distorting or preventing competition in accordance with section 93(7) of that Act.

In accordance with section 66 of the Regulatory Enforcement and Sanctions Act 2008 the Welsh Ministers are satisfied that the Environment Agency will act in accordance with the principles referred to in section 5(2) of that Act in exercising the powers in these Regulations.

(1) 1995 c. 25. The functions of the Secretary of State under sections 93 to 95, so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by virtue of Article 2 and Schedule 1 to S.I. 1999/672. By virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32), those functions are now vested in the Welsh Ministers. Section 94 of the Environment Act 1995 was amended by S.I. 2000/311, articles 28(1) and (2), and S.I. 2004/1261, regulation 5 and Schedule 2, paragraphs 7(1) and (2).

(2) 2008 c. 13.

(3) 1972 c. 68.

(4) S.I. 2005/850, S.I. 2007/1349, and S.I. 2000/2812 designated the National Assembly for Wales in relation to these matters. By virtue of section 162 of, and paragraphs 28(1) and 30 of Schedule 11 to the Government of Wales Act 2006, the powers conferred upon the National Assembly for Wales as a result of these designations are now vested in the Welsh Ministers.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

A draft of these Regulations has been laid before, and approved by a resolution of the National Assembly for Wales in accordance with section 62 of the Regulatory Enforcement and Sanctions Act 2008 and section 93(10) of the Environment Act 1995⁽⁵⁾.

(5) 1995. By virtue of section 162 of, and paragraph 34 of Schedule 11 to, the Government of Wales Act 2006, section 93(10) applies to the Welsh Ministers' exercise of the function of making subordinate legislation as if the reference in that provision to each House of Parliament were a reference to the National Assembly for Wales.