

# WASTE (WALES) MEASURE 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 12 - Site waste management plans*

59. Sections 12 to 16 of the Measure restate, with modifications, section 54 of the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#). The modifications concern the administration and enforcement of the regime: section 12 enables the Welsh Ministers to make regulations about fees and charges schemes, section 14 enables civil sanctions to be applied to offences and section 16 provides for consultation.
60. The purpose and effect of section 12(1) are to allow the Welsh Ministers to make provision, by regulations, to require specified persons to make plans setting out how they will manage and dispose of waste created in the course of specified works involving construction and demolition (subsection (1)(a)). The regulations may require those required to make plans to comply with them (subsection (1)(b)).
61. Subsection (2) sets out a non-exhaustive list of the provisions that could be made by regulations under subsection (1). These include the circumstances in which plans must be prepared (subsection (2)(a)); the contents of plans (subsection (2)(b)); provisions about enforcement authorities and their functions (subsection (2)(c) and the keeping of plans and their production to enforcement authorities (subsection (2)(d)). The regulations may also require the Welsh Ministers, or an enforcement authority, to establish a fees and charging scheme to enable the recovery of reasonable costs incurred by an enforcement authority in performing the functions that will be conferred on it by the regulations (subsection(2)(e)).
62. The works which will be affected by the regulations may, by virtue of subsection (3), be described by reference to the cost or likely cost of such works, or by reference to other criteria.
63. Subsection (4) is a savings provision. It will ensure that, if the Welsh Ministers make regulations about site waste management plans under section 54 of the Clean Neighbourhoods and Environment Act 2005 before the Measure comes into force, those regulations have effect as if they were made under the provision in this Measure.