



Waste (Wales) Measure 2010

2010 nawm 8

[^{F1}Disposal in a landfill or by incineration]

10 Civil sanctions in respect of [^{F1}offences created by regulations under sections 9 and 9A]

- (1) This section applies where the power to make regulations in section 9(1) [^{F2}or 9A(1)] has been or is being exercised so as to create an offence.
- (2) [^{F3}The power may be exercised to] make provision, in relation to an enforcement authority, which could be made by an order under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (“RESA 2008”) as if, for the purposes of Part 3 of that Act—
 - (a) the enforcement authority were a regulator, and
 - (b) the offence were a relevant offence in relation to that regulator.
- [^{F4}(3) But sections 39(4) and 42(6) of RESA 2008 do not apply to the provision that may be made by regulations under section 9(1) or 9A(1) by virtue of subsection (2).]
- (4) Sections 63 to 69 of RESA 2008 apply [^{F5}where regulations under section 9(1) or 9A(1) make provision by virtue of subsection (2) as they apply where provision is] made under or by virtue of Part 3 of RESA 2008.
- (5) For the purposes of subsection (4), the references to a “regulator” in sections 63 to 69 of RESA 2008 are to be read as references to an enforcement authority.
- (6) In this section, “enforcement authority” means a person who has an enforcement function in relation to an offence created by regulations under section 9(1) [^{F6}or 9A(1)] (as appropriate)].

Textual Amendments

- F1** Words in s. 10 title substituted (18.10.2023) by [Environment \(Wales\) Act 2016 \(anaw 3\), ss. 68\(3\), 88\(3\)\(b\); S.I. 2023/1096, art. 2\(c\)](#)
- F2** Words in s. 10(1) inserted (18.10.2023) by [Environment \(Wales\) Act 2016 \(anaw 3\), ss. 68\(4\), 88\(3\)\(b\); S.I. 2023/1096, art. 2\(c\)](#)

Changes to legislation: There are currently no known outstanding effects for the Waste (Wales) Measure 2010, Section 10. (See end of Document for details)

- F3** Words in s. 10(2) substituted (18.10.2023) by Environment (Wales) Act 2016 (anaw 3), **ss. 68(5)**, 88(3)(b); S.I. 2023/1096, art. 2(c)
- F4** S. 10(3) substituted (18.10.2023) by Environment (Wales) Act 2016 (anaw 3), **ss. 68(6)**, 88(3)(b); S.I. 2023/1096, art. 2(c)
- F5** Words in s. 10(4) substituted (18.10.2023) by Environment (Wales) Act 2016 (anaw 3), **ss. 68(7)**, 88(3)(b); S.I. 2023/1096, art. 2(c)
- F6** Words in s. 10(6) inserted (18.10.2023) by Environment (Wales) Act 2016 (anaw 3), **ss. 68(8)**, 88(3)(b); S.I. 2023/1096, art. 2(c)

Changes to legislation:

There are currently no known outstanding effects for the Waste (Wales) Measure 2010, Section 10.