

**2005 No. 588**

**ENVIRONMENTAL PROTECTION**

**The Landfill Allowances Scheme (Amendment) Regulations  
(Northern Ireland) 2005**

*Made* - - - - - *30th December 2005*

*Coming into operation* - - - - - *1st March 2006*

The Department of the Environment, in exercise of the powers conferred by section 26(3) of the Waste and Emissions Trading Act 2003(a) (“the Act”) and having consulted in accordance with section 27(2) of the Act such bodies or persons appearing to it to be representative of the interests of district councils in Northern Ireland as it considers appropriate; the interests of persons concerned in the operation of landfills in Northern Ireland as it considers appropriate; and, all other affected persons as it considers appropriate, makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Landfill Allowances Scheme (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 1st March 2006.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations “the principal Regulations” means the Landfill Allowances Scheme (Northern Ireland) Regulations 2004(c).

**Amendment to the principal Regulations**

3.—(1) The principal Regulations shall be amended as follows.

(2) In regulation 19 (Penalties: exceeding allowances)–

- (a) in paragraph (1) for “£200” substitute “£150”;
- (b) in paragraph (3) after the words “F is the amount of any fine imposed on the United Kingdom” add the words “in respect of the United Kingdom’s obligations under Article 5(2) of Council Directive 99/31/EC on the landfill of waste”; and
- (c) in paragraph (4) after the words “F is, for the scheme year, the amount of any fine imposed on the United Kingdom” add the words “in respect of the United Kingdom’s obligations under Article 5(2) of Council Directive 99/31/EC on the landfill of waste”.

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(a) 2003 c.33  
(b) 1954 c.33(N.I.)  
(c) S.R.2004 No.416

(3) In regulation 21 (Penalties: general) in paragraph (1)(b) for “the authority” substitute “the district council”.

Sealed with the Official Seal of the Department of the Environment on 30th December 2005.

*Ian T Maye*

A senior officer of the Department of the Environment

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Landfill Allowances Scheme (Northern Ireland) Regulations 2004 (“the principal Regulations”) by reducing the level of penalty to which a district council is liable under section 9(2) of the Waste and Emissions Trading Act 2003 from £200 multiplied by the excess landfill for that district council to £150 multiplied by the excess landfill by that district council.

These Regulations also amend the principal Regulations for the purposes of clarifying or correcting existing references.

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