



# Waste and Emissions Trading Act 2003

## 2003 CHAPTER 33

### PART 1

#### WASTE

#### CHAPTER 1

##### WASTE SENT TO LANDFILLS

##### *Interpretation of Chapter 1*

#### **21 “Biodegradable waste” and “municipal waste”**

- (1) In this Chapter “biodegradable waste” means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as—
  - food and garden waste, and
  - paper and paperboard.
- (2) In this Chapter “biodegradable municipal waste” means waste that is both biodegradable waste and municipal waste.
- (3) In subsection (2) “municipal waste” means—
  - (a) waste from households, and
  - (b) other waste that, because of its nature or composition, is similar to waste from households.

#### **22 “Landfill”**

- (1) In this Chapter “landfill” means a site for the deposit of waste onto or into land where the site is—
  - (a) a waste disposal site, or
  - (b) used for the storage of waste.

- (2) In determining whether a site is a landfill for the purposes of this Chapter, the following activities at the site are to be ignored—
- (a) the temporary storage of waste if the site is used for such storage for less than one year;
  - (b) the unloading of waste in order to permit the waste to be prepared for further transport for recovery, treatment or disposal elsewhere;
  - (c) the storage of waste, prior to recovery or treatment, for a period of less than three years as a general rule;
  - (d) the storage of waste, prior to disposal, for a period of less than one year.
- (3) The fact that a site for the deposit of waste is at the place of production of the waste does not prevent the site from being a landfill for the purposes of this Chapter.
- (4) In subsection (2) “treatment” means the physical, thermal, chemical or biological processes, including sorting, that change the characteristics of waste in order to—
- (a) reduce its volume,
  - (b) reduce its hazardous nature,
  - (c) facilitate its handling, or
  - (d) enhance its recoverability.

### **23 “Scheme year” and “target year”**

- (1) In this Chapter—
- “scheme year” means a year beginning with 17th July in any of 2004 to 2019;
- “target year” means a scheme year ending with 16th July in 2010, 2013 or 2020.
- (2) The Secretary of State may by regulations amend subsection (1) for the purpose of—
- (a) providing for a different day to be the first day of a scheme year;
  - (b) adding or omitting one or more scheme years;
  - (c) providing for a scheme year to be a period shorter or longer than a year;
  - (d) changing the target years or any of them;
  - (e) adding or omitting one or more target years.
- (3) Before making regulations under subsection (2), the Secretary of State shall consult the Scottish Ministers, the National Assembly for Wales and the Department of the Environment.

### **24 Other definitions**

- (1) For the purposes of this Chapter, the “allocating authority”—
- (a) for England is the Secretary of State,
  - (b) for Scotland is the Scottish Ministers,
  - (c) for Wales is the National Assembly for Wales, and
  - (d) for Northern Ireland is the Department of the Environment.
- (2) In this Chapter, any reference to an allocating authority’s “area” is to the area for which it is the allocating authority for the purposes of this Chapter.
- (3) In this Chapter “landfill allowances” means allowances allocated under section 4(1).

- (4) References in this Chapter to the monitoring authority for an area are to the monitoring authority designated for the area by regulations under section 10(1).
- (5) In this Chapter “waste disposal authority”—
  - (a) in relation to England, Wales and Scotland has the same meaning as in Part 2 of the Environmental Protection Act 1990 (c. 43);
  - (b) in relation to Northern Ireland means a district council.