



Climate Change Act 2008

2008 CHAPTER 27

PART 5

OTHER PROVISIONS

Waste reduction schemes

71 Waste reduction schemes

- (1) Schedule 5 amends the Environmental Protection Act 1990 (c. 43) to provide for the making of waste reduction schemes.
- (2) The provisions inserted by that Schedule come into force in accordance with sections 72 to 75 below.
- (3) In those sections “the waste reduction provisions” means the provisions inserted by that Schedule and any subordinate legislation made under those provisions.

72 Waste reduction provisions: piloting

- (1) If a waste collection authority submits to the Secretary of State proposals for a waste reduction scheme and the proposals are approved by the Secretary of State as suitable for piloting one or more aspects of the waste reduction provisions—
 - (a) the Secretary of State may by order designate the area of that authority as a pilot area, and
 - (b) the authority may make a scheme in accordance with the proposals.
- (2) Not more than five areas may be so designated.
- (3) The order designating a pilot area shall provide that the waste reduction provisions have effect in relation to that area, for the purpose of enabling the authority to make and operate the proposed scheme, for such period as may be specified in the order.
- (4) Any power to make subordinate legislation or issue guidance under the waste reduction provisions—

Status: This is the original version (as it was originally enacted).

- (a) may be exercised so as to make different provision for different pilot areas, and
 - (b) may be exercised at any time after the coming into force of this section.
- (5) If a draft of an instrument containing such subordinate legislation would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.

73 Waste reduction provisions: report and review

- (1) The Secretary of State shall lay before Parliament a report on the operation of the waste reduction provisions in each pilot area.
- (2) The report must contain, in respect of each pilot area to which it relates—
- (a) a description of the scheme and of the respects in which the provision made by it differed from that made by the schemes in other pilot areas;
 - (b) a copy of the order made by the Secretary of State under section 72;
 - (c) a description of the respects in which the relevant enactments and guidance applying in that area differed from that applying—
 - (i) in other pilot areas, and
 - (ii) in areas not designated as pilot areas; and
 - (d) an assessment of the scheme's success or otherwise.
- (3) The report must also contain a review of the waste reduction provisions in the light of their operation in the pilot area or areas to which the report relates.

74 Waste reduction provisions: interim report

- (1) If it appears to the Secretary of State that it will not be possible to lay a report under section 73 in relation to a pilot area before the end of three years beginning with the day this Act is passed, the Secretary of State must lay before Parliament an interim report in relation to that pilot area before the end of that period.
- (2) The interim report must contain—
- (a) a description of the scheme and of the respects in which the provision made or to be made by it differs from that made by the schemes in other pilot areas,
 - (b) a copy of the order made by the Secretary of State under section 72; and
 - (c) a description of the respects in which the relevant enactments and guidance applying in that area differ from that applying—
 - (i) in other pilot areas, and
 - (ii) in areas not designated as pilot areas.
- (3) If the scheme has not been implemented, the interim report must contain a description of the progress made towards its implementation.
- (4) Otherwise, the interim report must contain—
- (a) a description of the scheme's operation, and
 - (b) an assessment of the progress made towards achieving the scheme's objectives, if such an assessment can reasonably be made.

75 Waste reduction provisions: roll-out or repeal

- (1) The following provisions apply after section 73 has been complied with in relation to one or more pilot areas.
- (2) The Secretary of State may by order—
 - (a) provide that the waste reduction provisions shall come into force generally on such date as is specified in the order; or
 - (b) make such amendments of the waste reduction provisions as appear to the Secretary of State to be necessary or expedient having regard to the operation of the provisions in the pilot areas, and provide that those provisions as amended shall come into force generally on such date as is specified in the order.
- (3) The amendments may include provision conferring power on the Secretary of State to make subordinate legislation.
- (4) Where the amendments include such provision, they must also include provision—
 - (a) for a statutory instrument containing the subordinate legislation to be subject to annulment in pursuance of a resolution of either House of Parliament, or
 - (b) requiring a draft of such an instrument to be laid before and approved by resolution of each House of Parliament before the subordinate legislation is made,as the Secretary of State thinks fit.
- (5) If the Secretary of State decides not to make an order under subsection (2), the Secretary of State must make an order repealing the waste reduction provisions.
- (6) Any order under subsection (2)(b) or (5) is subject to affirmative resolution procedure.