

2004 No. 1874 (C. 80)

ENVIRONMENTAL PROTECTION

**The Waste and Emissions Trading Act 2003 (Commencement
No. 2) Order 2004**

Made - - - -

19th July 2004

The Secretary of State, in exercise of the powers conferred upon her by section 40(1) of the Waste and Emissions Trading Act 2003(a), makes the following Order:

Citation

1. This Order may be cited as the Waste and Emissions Trading Act 2003 (Commencement No. 2) Order 2004.

Commencement

2. Sections 1(b) and 17(c) of the Waste and Emissions Trading Act 2003 shall come into force on the day after the day on which this Order is made.

19th July 2004

Elliot Morley
Minister of State,
Department for Environment Food and Rural Affairs

(a) 2003 c. 33.

(b) Section 1 extends to England and Wales, Scotland and Northern Ireland.

(c) Section 17 extends only to England and Wales.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 20th July 2004 all the provisions of sections 1 and 17 of the Waste and Emissions Trading Act 2003 (“the Act”).

Part 1 of the Act provides, amongst other things, for the preparation in each country of the United Kingdom of a strategy for reducing the amount of biodegradable waste going to landfills.

Section 1 requires the Secretary of State by regulations to specify the maximum amount by weight of biodegradable municipal waste allowed to be sent to landfills in target years (as defined in section 23(1)) from the whole of, and from each country of, the United Kingdom (the amount specified for the United Kingdom must be consistent with the obligations of the United Kingdom under Article 5(2) of Council Directive 1999/31/EC). The Secretary of State must consult the appropriate authority for each country of the United Kingdom before these amounts are set.

Section 17 requires the Secretary of State to have a strategy (“landfill strategy”) for reducing both the amount of biodegradable waste from England that goes to landfills and the amount of biodegradable waste from outside England that goes to landfills in England. This new duty is additional to the duties under section 44A of the Environmental Protection Act 1990 (c. 43) to prepare a national waste strategy for England and Wales. However, if the policies set out in a strategy prepared under section 44A of the Environmental Protection Act 1990 satisfy the requirements of section 17 of the Act, no separate strategy need be prepared for the purposes of section 17.

The landfill strategy must include measures to achieve the targets set out in sections 1 and 2, in particular measures such as recycling, composting, biogas production, materials recovery or energy recovery.

The scope of the landfill strategy is wider than the targets set under section 1 as the strategy applies to all biodegradable waste and not just to biodegradable waste which is also municipal waste.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2 and section 39	20th April 2004	2004/1163 (C. 49)

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