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STATUTORY INSTRUMENTS

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**2004 No. 3319 (C. 151)**

**ENVIRONMENTAL PROTECTION,  
ENGLAND AND WALES**

The Waste and Emissions Trading Act 2003  
(Commencement No. 1) (England and Wales) Order 2004

*Made - - - - 13th December 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<sup>(1)</sup>, makes the following Order:

**Citation**

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

**Commencement**

2. Section 31 of the Waste and Emissions Trading Act 2003<sup>(2)</sup> shall come into force on 1st January 2005.

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

13th December 2004

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(1) 2003 c. 33.

(2) By section 41(2) of the Act section 31 extends only to England and Wales; it concerns only English waste authorities.

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## EXPLANATORY NOTE

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

This Order brings into force on 1st January 2005 all the provisions of section 31 of the Waste and Emissions Trading Act 2003 (“the Act”).

Part 1 of the Act makes provision, among other things, for waste management in England.

Section 31 amends Part 2 of the Environmental Protection Act 1990 (c. 43) so as to make provision in England for the giving of directions by waste disposal authorities to waste collection authorities for the separation of waste and to require payments to be made by waste disposal authorities to waste collection authorities for delivering waste pre-separated pursuant to such directions.

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

Whilst no commencement orders have previously been made in relation to England and Wales, the following provisions of the Act are in force in England and Wales by virtue of having been brought into force in the United Kingdom: sections 2 and 39 on 20th April 2004 by S.I.2004/1163 (C.49), sections 1 and 17 on 19th July 2004 by 2004/1874 (C.80), and section 3 on 3rd December 2004 by S.I. 2004/3192 (C.138). Sections 4, 5 and 10(1) came into force in England on 3rd December 2004, and sections 9 and 10(2) will come into force on 1st April 2005, by virtue of S.I. 2004/3181 (C.137). Sections 4, 5, 9, 10 and 35(a) were brought into force in relation to Wales on 25th June 2004 by S.I. 2004/1488 (W. 153) (C.58).

The Waste and Emissions Trading Act 2003 (Commencement No. 1) (Great Britain) Order 2004 (S.I. 2004/3320 (C.152)), made on the same day as this Order, brings sections 32(12) and 35(b) into force on 1st January 2005 in relation to England, Wales and Scotland, and the Waste and Emissions Trading Act 2003 (Commencement No. 2) (England) Order 2004 (S.I. 2004/3321 (C.153)), also made on the same day as this Order, brings section 35(a) into force in relation to England.

**Changes to legislation:**

There are currently no known outstanding effects for the The Waste and Emissions Trading Act 2003 (Commencement No. 1) (England and Wales) Order 2004.