



Jersey

WASTE MANAGEMENT (AMENDMENT) (JERSEY) REGULATIONS 2012

Arrangement

Regulation

1	Interpretation	3
2	Article 1 amended	3
3	Article 26 amended	3
4	Article 28 amended	4
5	Article 62 amended	4
6	Schedule 8 amended.....	5
7	Schedule 11 amended.....	5
8	Citation and commencement.....	6



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Made 17th July 2012

Coming into force 24th July 2012

THE STATES, in pursuance of Articles 107, 108 and 110 of the Waste Management (Jersey) Law 2005¹, have made the following Regulations –

1 Interpretation

In these Regulations, “principal Law” means the Waste Management (Jersey) Law 2005².

2 Article 1 amended

In Article 1(1) of the principal Law –

- (a) for the definition of “European Community Regulation” there is substituted the following definition –

“ ‘European Community Regulation’ means Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14th June 2006 on shipments of waste (O.J. No. L 190, 12.7.2006, p.1);”; and

- (b) after the definition of “waste” there is inserted the following definition –

“ ‘Waste Framework Directive’ means Directive 2008/98/EC of the European Parliament and of the Council of 19th November 2008 on waste and repealing certain Directives (text with EEA relevance) (O.J. No. L 312, 22.11.2008, p.3);”.

3 Article 26 amended

In Article 26 of the principal Law –

- (a) for paragraph (2), there is substituted the following paragraph –

- “(2) Where the applicant for the grant of a waste management licence is the owner of the land to which the application relates, the application shall be accompanied by evidence –
 - (a) that the applicant has been granted planning permission (where required) in respect of the land, for the purposes of the activity to which the application relates; or
 - (b) that the activity to which the application relates has been continuously carried out on the land prior to 1st April 1965 and has continued to be carried on (without a break) since that date.”;
- (b) for paragraph (3), there is substituted the following paragraph –
 - “(3) Where the applicant for the grant of a waste management licence is not the owner of the land to which the application relates, the application shall be accompanied by evidence –
 - (a) of planning permission (where required) or of continuous use as specified in paragraph (2)(b); and
 - (b) that the applicant has the land owner’s consent to occupy the land for the purposes of the activity to which the application relates.”;
- (c) in paragraph (4)(b), there is omitted the word “, undertaking”;
- (d) after paragraph (5), there is added the following paragraph –
 - “(6) The expression “planning permission” has the meaning given in Article 1 of the Planning and Building (Jersey) Law 2002³.”.

4 Article 28 amended

For Article 28(1) of the principal Law, there are substituted the following paragraphs –

- “(1) It is a condition of every waste management licence that the licensee must not carry on the activity to which the licence relates on any land that he or she may not for the time being lawfully use for that purpose.
- (1A) The evidence specified in Article 26(2)(b) or (3)(b) shall be taken to constitute evidence of lawful use for the purposes of paragraph (1).”.

5 Article 62 amended

In Article 62 of the principal Law –

- (a) in paragraph (3), for the words “The period to which” there are substituted the words “Subject to paragraph (3A), the period to which”;
- and
- (b) after paragraph (3) there is inserted the following paragraph –
 - “(3A) The period referred to in paragraph (3) may with the Minister’s agreement be extended to a period not exceeding 3 years provided

that each other competent authority concerned agrees to the same period of extension not exceeding 3 years.”.

6 Schedule 8 amended

In Schedule 8 to the principal Law –

- (a) in the Introduction, for paragraph 6(2)(a) there is substituted the following sub-paragraph –

“(a) if the consent or agreement to proceed is given in writing –

- (i) the period of 12 months, or
- (ii) such other period not exceeding 3 years as may be agreed by the Minister and any other competent authority concerned,

following the date on which the competent authority of import has acknowledged receipt of its copy of the consignment note; or”;

- (b) in Part 2, for paragraph 5(d) there is substituted the following sub-paragraph –

“(d) if, in the case of a movement for disposal, the Minister considers that he or she should object to the movement in order to implement any of the principles of proximity, priority for recovery and self-sufficiency to which Article 11 of the European Community Regulation refers, in accordance with the Waste Framework Directive;”;

- (c) in Part 3, for paragraph 5(e) there is substituted the following sub-paragraph –

“(e) if, in the case of a movement for disposal, the Minister considers that he or she should object to the movement in order to implement any of the principles of proximity, priority for recovery and self-sufficiency to which Article 11 of the European Community Regulation refers, in accordance with the Waste Framework Directive;”.

7 Schedule 11 amended

In Schedule 11 to the principal Law, for paragraph 6(1) there are substituted the following sub-paragraphs –

“(1) It is a condition of every waste management certificate that the Minister shall not carry on the activity to which the certificate relates on any land that the Minister may not lawfully use for that purpose.

(1A) The evidence specified in Article 26(2)(b) and (3)(b) shall be taken to constitute evidence of lawful use for the purposes of sub-paragraph (1), and the references to “applicant” in Article 26(2)(b) and (3)(b) shall be taken to be a reference to the Minister for the purposes of a waste management certificate.”.

8 Citation and commencement

These Regulations may be cited as the Waste Management (Amendment) (Jersey) Regulations 2012 and shall come into force 7 days after they are made.

M.N. DE LA HAYE

Greffier of the States

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- ¹ *chapter 22.950*
 - ² *chapter 22.950*
 - ³ *chapter 22.550*