

Statutory Instrument 2001 No. 1478

The Waste (Foot-and-Mouth Disease) (England) Regulations 2001

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STATUTORY INSTRUMENTS

2001 No. 1478

ENVIRONMENTAL PROTECTION, ENGLAND

The Waste (Foot-and-Mouth Disease) (England) Regulations 2001

<i>Made</i>	<i>12th April 2001</i>
<i>Laid before Parliament</i>	<i>12th April 2001</i>
<i>Coming into force</i>	<i>13th April 2001</i>

The Secretary of State, in exercise of the powers conferred on him by sections 57(6) and 63(1) of the Environmental Protection Act 1990[1], having, so far as is required by section 63(1) of that Act, consulted such bodies as he considers appropriate, hereby makes the following Regulations:

Citation, commencement, cessation and extent

1. - (1) These Regulations may be cited as the Waste (Foot-and-Mouth Disease) (England) Regulations 2001, shall come into force on 13th April 2001 and shall cease to have effect on 13th October 2001.

(2) These Regulations extend to England only.

Prescribed Waste

2. - (1) Section 57 of the Environmental Protection Act 1990 (power of the Secretary of State to require waste to be accepted, treated, disposed of or delivered) shall have effect in the county areas specified in the Schedule to these Regulations as if references

to controlled waste included references to any waste which is from premises used for agriculture within the meaning of the Agriculture Act 1947[2] and which consists of -

- (a) subject to paragraph (3), carcases (or parts of carcases, including blood) of animals specified in paragraph (2); or
- (b) rendered material or ash resulting from the rendering or incineration of carcases (or parts of carcases) of animals specified in paragraph (2).

(2) The animals referred to in paragraph (1)(a) and (b) are animals which -

- (a) are cattle, sheep, goats, any other ruminating animals or swine; and
- (b) are slaughtered as a direct or indirect result of measures taken to deal with foot-and-mouth disease.

(3) Paragraph (1)(a) shall not apply to cattle born before 1st August 1996.

Enactments prescribed for the purposes of section 57(6) of the Environmental Protection Act 1990

3. The following enactments are prescribed for the purposes of section 57(6) of the Environmental Protection Act 1990 (defences in the case of compliance with a direction) -

- (a) sections 179, 187, 187A, 216 and 331 of the Town and Country Planning Act 1990[3];
- (b) sections 33, 34, 80(4) and 82(8) of the Environmental Protection Act 1990[4]; and
- (c) section 85 of the Water Resources Act 1991[5].

Signed by the authority of the Secretary of State for the Environment, Transport and the Regions

Keith Hill
Parliamentary Under Secretary of State, Department of the Environment, Transport and the Regions

12th April 2001

SCHEDULE

Regulation 2(1)

PRESCRIBED AREAS

- Bath and North East Somerset;**
- Bedfordshire;**
- Berkshire;**
- Blackburn with Darwen;**
- Blackpool;**
- Bournemouth;**
- Brighton and Hove;**
- Buckinghamshire;**
- Cambridgeshire;**
- Cheshire;**
- Cornwall;**
- Cumbria;**
- Darlington;**
- Derby;**
- Derbyshire;**
- Devon;**
- Dorset;**
- Durham;**
- East Riding of Yorkshire;**
- East Sussex;**
- Essex;**
- Gloucestershire;**
- Greater Manchester;**
- Halton;**
- Hampshire;**
- Hartlepool;**
- Herefordshire;**
- Hertfordshire;**
- Kent;**
- Kingston upon Hull;**
- Lancashire;**

- Leicester;**
- Leicestershire;**
- Lincolnshire;**
- Luton;**
- Medway;**
- Merseyside;**
- Middlesbrough;**
- Milton Keynes;**
- Norfolk;**
- Northamptonshire;**
- Northumberland;**
- North East Lincolnshire;**
- North Lincolnshire;**
- North Somerset;**
- North Yorkshire;**
- Nottingham;**
- Nottinghamshire;**
- Oxfordshire;**
- Peterborough;**
- Plymouth;**
- Poole;**
- Portsmouth;**
- Redcar and Cleveland;**
- Rutland;**
- Shropshire;**
- Somerset;**
- Southampton;**
- Southend on Sea;**
- South Gloucestershire;**
- South Yorkshire;**

Staffordshire;

Stockton on Tees;

Stoke on Trent;

Suffolk;

Surrey;

Swindon;

Thurrock;

Torbay;

Tyne and Wear;

Warrington;

Warwickshire;

West Midlands;

West Sussex;

West Yorkshire;

Wiltshire;

Worcestershire;

The Wrekin; and

York.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 57 of the Environmental Protection Act 1990 confers on the Secretary of State a power to require waste to be accepted, treated, disposed of or delivered. These Regulations add to the types of waste which may be covered by a direction under section 57. Directions may cover the carcasses (or parts of carcasses, including blood) of certain types of animal which have been slaughtered as a direct or indirect result of measures taken to deal with foot-and-mouth disease. The relevant types of animal are cattle (if born on or after 1st August 1996), sheep, goats, other ruminating animals and swine. Directions may also be given in relation to ash or rendered material resulting from the incineration or rendering of the carcasses (or parts of carcasses) of cattle (of any age), sheep, goats, other ruminating animals and swine where such animals have been slaughtered as a result of foot-and-mouth measures.

The extension by these Regulations of the types of waste which may be covered by a direction under section 57 of the Environmental Protection Act 1990 described above will have effect in every county area of England except Greater London, the Isle of Wight and Bristol. A person will not be guilty of a criminal offence under certain

provisions of the Town and Country Planning Act 1990, the Environmental Protection Act 1990 and the Water Resources Act 1991 by reason only of anything necessarily done or omitted to comply with a direction under section 57 of the Environmental Protection Act 1990.

The Regulations will cease to have effect on 13th October 2001.

A person convicted of failing to comply with a direction under section 57 of the Environmental Protection Act 1990 without reasonable excuse is liable to a fine of up to £5000.

Notes:

[1] 1990 c.43; the relevant powers of the Secretary of State have been devolved in relation to Wales by article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and in relation to Scotland by section 53 of the Scotland Act 1998 (c.46).back

[2] 1947 c.48.back

[3] 1990 c.8; relevant amendments were made by sections 2, 8 and 9(4) of, and paragraph 35 of Schedule 7 to, the Planning and Compensation Act 1991 (c.34).back

[4] Relevant amendments were made by section 33 of the Deregulation and Contracting Out Act 1994 (c.40), section 120(1) of, and paragraphs 64 and 65 of Schedule 22 to, the Environment Act 1995 (c.25), regulation 19 of, and paragraph 11 of Part I of Schedule 4 to, S.I. 1994/1056, and paragraphs 2 and 4 of Part 1 of Schedule 10 to S.I. 2000/1973.back

[5] 1991 c.57; relevant modifications were made by regulation 14 of S.I. 1998/2746 and regulation 19 of, and paragraph 11 of Part I of Schedule 4 to, S.I. 1994/1056.back

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