

Welsh Statutory Instrument 2001 No. 1506 (W. 104)

The Prescribed Waste (Wales) Regulations 2001

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STATUTORY INSTRUMENTS

2001 No. 1506 (W. 104)

ENVIRONMENTAL PROTECTION, WALES

The Prescribed Waste (Wales) Regulations 2001

<i>Made</i>	<i>20th April 2001</i>
<i>Coming into force</i>	<i>21st April 2001</i>

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State by sections 57(6) and 63(1) of the Environmental Protection Act 1990[1] and now vested in it[2], having in accordance with section 63(1) consulted such bodies as it considers appropriate, hereby makes the following Regulations:

Citation, commencement, cessation and extent

1. - (1) These Regulations may be cited as the Prescribed Waste (Wales) Regulations 2001.

(2) These Regulations shall come into force on 21st April 2001 and shall cease to have effect 20th July 2001 unless previously extended or revoked by further Regulations.

(3) These Regulations apply to Wales.

Prescribed Waste

2. - (1) Section 57 of the Environmental Protection Act 1990 (power of Secretary of State to require waste to be accepted, treated, disposed of or delivered) shall have effect in Wales 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[3]and which consist of -

- (a) subject to paragraph (3), carcasses (or parts of carcasses, including blood) of animals specified in paragraph (2); or**
- (b) rendered material or ash resulting from the rendering or burning of carcasses (or parts of carcasses, including blood) 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 in connection with foot-and-mouth disease.**

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

Enactment 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[4]; and**
- (b) section 33 of the Environmental Protection Act 1990[5].**

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998[6]

Carwyn Jones
Assembly Secretary

20 April 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations allow the National Assembly for Wales to direct by written notice the holder of a waste management licence to accept and keep, or accept and treat or dispose of the carcasses (or parts of carcasses) of certain types of animal which have been slaughtered as a result of measures taken in connection with foot-and-mouth

disease. The relevant types of animal are cattle (if born on or after 1st August 1996), sheep, other ruminating animals or swine. Directions may also be given in relation to ash or rendered material resulting from the burning or rendering of the carcasses or parts of carcasses of cattle (of any age), sheep, other ruminating animals or swine where such animals have been slaughtered as a result of the containment measures.

The extension by these Regulations of the types of waste which may be the subject of a direction of the National Assembly under section 57(1) & (2) of the Environmental Protection Act 1990 described above will have effect throughout the whole of Wales. A licence holder will not be guilty of a criminal offence under any of the specified provisions of the Town and Country Planning Act 1990 and the Environmental Protection Act 1990 by reason only of anything necessarily done or omitted to comply with a direction under section 57(1) of the Environmental Protection Act 1990.

The Regulations will cease to have effect on 20th July 2001 unless previously extended or revoked.

A waste management licence holder convicted of failing to comply with a direction under section 57(1) of the Environmental Protection Act 1990 without reasonable excuse is liable to a fine of up to £5000.

Notes:

[1] 1990 c.43.back

[2] The powers of the Secretary of State in so far as exercisable in relation to Wales have been transferred to the National Assembly for Wales; see Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).back

[3] 1947 c.48.back

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

[5] Relevant amendments were made by section 33 of the Deregulation and Contracting Out Act 1994 (c.40), section 120(1) of the Environment Act 1995 (c.25), paragraphs 64 and 65 of Schedule 22 to that Act, regulation 19 of S.I. 1994/1056, 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

[6] 1998 c.38.back

Cymraeg (Welsh)

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