



Jersey

WASTE MANAGEMENT (AMENDMENT No. 2) (JERSEY) REGULATIONS 2017

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THE STATES, in pursuance of Articles 107, 108 and 110 of the Waste Management (Jersey) Law 2005¹ and Article 2(2) of the European Union Legislation (Implementation) (Jersey) Law 2014², have made the following Regulations –

1 Interpretation

In these Regulations, “principal Law” means the Waste Management (Jersey) Law 2005³.

PART 1

WASTE MANAGEMENT LICENCES AND CERTIFICATES

2 Article 26 amended

In Article 26 of the principal Law –

- (a) in paragraph (3), for sub-paragraphs (a) and (b) there are substituted the following sub-paragraphs –
- “(a) that the applicant has the land-owner’s consent to occupy the land for the purposes of the activity to which the application relates; and
 - (b) of planning permission (where required) as described in paragraph (2)(a) or of continuous use as described in paragraph (2)(b).”;
- (b) in paragraph (4), for sub-paragraph (b) there is substituted the following sub-paragraph –
- “(b) the proposed transferee shall produce in support of the application such evidence as would be required of an applicant for the grant of a waste management licence.”;

- (c) in paragraph (5), for the words “and documents that have” there are substituted the words “that has”.

3 Article 28 amended

In Article 28 of the principal Law –

- (a) in paragraph (1), for the words “he or she” there are substituted the words “the licensee”;

- (b) for paragraph (1A) there is substituted the following paragraph –

“(1A) For the purposes of fulfilling the condition specified in paragraph (1), land is for the time being lawfully used for the purpose of carrying on the activity to which the licence relates in the following cases –

- (a) where the land is owned by the licensee –
- (i) the licensee is using that land in accordance with planning permission granted (where required) for the purpose of carrying on the activity to which the licence relates, or
 - (ii) the licensee is continuing to carry on the activity to which the licence relates, on land in respect of which that activity has been carried on prior to 1st April 1965 and has continued to be carried on (without a break) since that date; or
- (b) where the land is not owned by the licensee –
- (i) the licensee is, with the land-owner’s consent, occupying that land for the purpose of carrying on the activity to which the licence relates, and
 - (ii) the licensee is using that land in accordance with planning permission as described in paragraph (1A)(a)(i), or
 - (iii) the licensee is continuing to carry on the activity to which the licence relates as described in paragraph (1A)(a)(ii).”.

4 Schedule 11 amended

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

“(1A) For the purposes of fulfilling the condition specified in sub-paragraph (1), land is being lawfully used for the purpose of carrying on the activity to which the certificate relates in the following cases –

- (a) where the land is owned by the Public of the Island –
- (i) the Minister is using that land in accordance with planning permission granted (where required) for the purpose of carrying on the activity to which the certificate relates, or

- (ii) the Minister is continuing to carry on the activity to which certificate relates, on land in respect of which that activity has been carried on prior to 1st April 1965 and has continued to be carried on (without a break) since that date;
- (b) where the land is not owned by the Public of the Island –
 - (i) the Minister is, with the land-owner's consent, occupying that land for the purpose of carrying on the activity to which the certificate relates, and
 - (ii) the Minister is using that land in accordance with planning permission as described in subparagraph (1A)(a)(i), or
 - (iii) the Minister is continuing to carry on the activity to which the certificate relates as described in subparagraph (1A)(a)(ii)."

PART 2

DESCRIPTION OF RECOVERY OPERATIONS

5 Schedule 1 amended

In Part 2 (Recovery Operations) of Schedule 1 to the principal Law, for the recovery operation numbered R1 there is substituted the following recovery operation –

"R1 Use principally as a fuel or other means to generate energy, which includes use in an incineration facility that meets all of the requirements described in the footnote to the recovery operation numbered R1 in Annex II to the Waste Framework Directive, as amended from time to time, including in particular the requirements in that footnote as to energy efficiency."

PART 3

CLOSING

6 Citation and commencement

These Regulations may be cited as the Waste Management (Amendment No. 2) (Jersey) Regulations 2017 and shall come into force 7 days after the day they are made.

L.-M. HART

Deputy Greffier of the States

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- ¹ *chapter 22.950*
² *chapter 17.245*
³ *chapter 22.950*