
WELSH STATUTORY INSTRUMENTS

2016 No. 691 (W. 189)

ENVIRONMENTAL PROTECTION, WALES

**The Waste (Meaning of Recovery) (Miscellaneous
Amendments) (Wales) Regulations 2016**

<i>Made</i>	- - - -	<i>28 June 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>1 July 2016</i>
<i>Coming into force</i>	- -	<i>31 July 2016</i>

The Welsh Ministers have, in accordance with section 2(4) of the Pollution Prevention and Control Act 1999⁽¹⁾ (“the PPCA 1999”), consulted—

- (a) the Natural Resources Body for Wales;
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate; and
- (c) such other bodies or persons as they consider appropriate.

The Welsh Ministers have, in accordance with section 27(2) and (4) of the Waste and Emissions Trading Act 2003⁽²⁾ (“the WETA 2003”), consulted—

- (a) such bodies or persons appearing to them to be representative of the interests of waste disposal authorities in their area as they consider appropriate;
- (b) such bodies or persons appearing to them to be representative of the interests of persons concerned in the operation of landfills in their area as they consider appropriate; and
- (c) such bodies or persons appearing to them to be representative of any other affected persons as they consider appropriate.

The Welsh Ministers have, in accordance with section 8 of the Waste (Wales) Measure 2010⁽³⁾ (“the W(W)M 2010”), consulted—

- (a) the Natural Resources Body for Wales;
- (b) each local authority; and
- (c) such other persons as the Welsh Ministers consider appropriate.

(1) [1999 c. 24](#). Section 2 was amended by section 62(13) of the Water Act [2014 \(c. 21\)](#) and by [S.I. 2013/755 \(W. 90\)](#). Schedule 1 was amended by section 38 of the Waste and Emissions Trading Act [2003 \(c. 33\)](#), by section 105(1) of the Clean Neighbourhoods and Environment Act [2005 \(c. 16\)](#), and by [S.I. 2011/1043](#) and [2015/664](#).

(2) [2003 c. 33](#). Sections 11 and 12 were amended by [S.I. 2011/2499](#).

(3) [2010 nawm 8](#).

The Welsh Ministers are designated⁽⁴⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽⁵⁾ (“the ECA 1972”) in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste⁽⁶⁾.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the ECA 1972, section 2 of and Schedule 1 to the PPCA 1999, sections 11, 12, 13 and 36 of the WETA 2003 and sections 5(1)(a) and (b) and (d) to (f) and 19(2) of the W(W)M 2010.

Title, commencement and application

1.—(1) The title of these Regulations is the Waste (Meaning of Recovery) (Miscellaneous Amendments) (Wales) Regulations 2016.

(2) These Regulations come into force on 31 July 2016.

(3) These Regulations apply in relation to Wales.

Amendment of the Landfill Allowances Scheme (Wales) Regulations 2004

2.—(1) The Landfill Allowances Scheme (Wales) Regulations 2004⁽⁷⁾ are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “waste facility”, after the words “Council on waste” insert “as last amended by Commission Directive (EU) 2015/1127⁽⁸⁾”.

Amendment of the Hazardous Waste (Wales) Regulations 2005

3.—(1) The Hazardous Waste (Wales) Regulations 2005⁽⁹⁾ are amended as follows.

(2) In regulation 2(1)(a)⁽¹⁰⁾ (the Waste Directive and the meaning of waste), for the words “[Commission Regulation \(EU\) No 1357/2014](#)” substitute “Commission Directive (EU) 2015/1127”.

Amendment of the Environmental Permitting (England and Wales) Regulations 2010

4.—(1) The Environmental Permitting (England and Wales) Regulations 2010⁽¹¹⁾ are amended as follows.

(2) In regulation 3 (interpretation: Directives) for the definition of “the Waste Framework Directive” substitute—

““the Waste Framework Directive” means [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste;”.

(4) By virtue of section 59(2) of the Government of Wales Act 2006 ([c.32](#)) (“GOWA 2006”) the Welsh Ministers may exercise the power conferred by section 2(2) of the European Communities Act 1972 ([c.68](#)) (“the ECA 1972”) in relation to any matter, or for any purpose, if they have been designated in relation to that matter or for that purpose. Paragraph 28(1) of Schedule 11 to GOWA 2006 provides that designations made under section 2(2) of the ECA 1972 by virtue of section 29(1) of the Government of Wales Act 1998 ([c. 38](#)) which are in force immediately before the commencement of the repeal of that subsection by GOWA 2006 continue to have effect after the commencement of that repeal as if made by virtue of section 59(1) of GOWA 2006.

(5) [1972 c. 68](#). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([c. 51](#)) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 ([c. 7](#)).

(6) [S.I. 2005/850](#).

(7) [S.I. 2004/1490 \(W. 155\)](#) as amended by [S.I. 2005/1820 \(W. 148\)](#). There are other amendments not relevant to these Regulations.

(8) OJ No L 184, 11.7.2015, p13.

(9) [S.I. 2005/1806 \(W. 138\)](#) as amended by [S.I. 2015/1417 \(W. 141\)](#), [2011/971 \(W. 141\)](#) and [2011/988](#).

(10) Regulation 2(1)(a) was substituted by [S.I. 2015/1417 \(W. 141\)](#).

(11) [S.I. 2010/675](#), as amended by [S.I. 2015/1417 \(W. 141\)](#). There are other amendments not relevant to these Regulations.