Draft Regulations laid before Parliament under section 28(2) of the Waste and Emissions Trading Act 2003, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2004 No.

ENVIRONMENTAL PROTECTION

The Landfill (Scheme Year and Maximum Landfill Amount) Regulations 2004

Made - - - - 2004

Coming into force in accordance with regulation 1

The Secretary of State in exercise of the powers conferred on her by sections 1(1), 2(1), 23(2)(a) to (d) and 36(2)(a) of the Waste and Emissions Trading Act 2003(**1**) ("the Act"), having obtained the agreement of the Scottish Ministers in accordance with section 2(2) of the Act, the agreement of the National Assembly for Wales in accordance with section 2(3) of the Act and the agreement of the Department of the Environment in accordance with section 2(4) of the Act and having consulted the Scottish Ministers, the National Assembly for Wales and the Department of the Environment in accordance with sections 1(4) and 23(3) of the Act, makes the following Regulations, a draft of which has been laid before and approved by a resolution of each House of Parliament in accordance with section 28(2) of the Act:

Citation and Commencement

1. These Regulations may be cited as the Landfill (Scheme Year and Maximum Landfill Amount) Regulations 2004 and shall come into force on the day after the day on which they are made.

Amendment of the Waste and Emissions Trading Act 2003

2.—(1) The Waste and Emissions Trading Act 2003 is amended as follows.

(2) In section 23 (meaning of "scheme year" and "target year" in Chapter 1 of Part 1), for subsection (1) substitute the following subsection—

"(1) In this Chapter—

"scheme year" means—

(a) for England, Scotland and Northern Ireland, a year beginning with 1st April in any of 2005 to 2019; and

(b) for Wales—

(**1**) 2003 c. 33.

(i) the period of six months beginning with 1st October 2004, or

(ii) a year beginning with 1st April in any of 2005 to 2019;

"target year" means a scheme year ending with 31st March in 2010, 2013 or 2020.".

Landfill Targets

3. The maximum amount of biodegradable municipal waste that may be sent to landfill in each scheme year that is a target year shall be in accordance with Table 1.

Table 1

Area	*Maximum Amount (in tonnes)* *Target Year ending in 2010*	*Target Year ending in 2013*	*Target Year ending in 2020*
United Kingdom	13,700,000	9,130,000	6,390,000
England	11,200,000	7,460,000	5,220,000
Scotland	1,320,000	880,000	620,000
Wales	710,000	470,000	330,000
Northern Ireland	470,000	320,000	220,000

Maximum Amount of Waste sent to Landfill from England in Non-target years

4. The maximum amount by weight of biodegradable municipal waste allowed in a scheme year mentioned in Table 2 to be sent to landfills from England shall be in accordance with that Table.

Table 2

Scheme Year	*Maximum Amount (in tonnes)*
1st Year(**2**)	15,200,000
2nd Year	14,530,000
3rd Year	13,640,000
4th Year	12,530,000

Maximum Amount of Waste sent to Landfill from Scotland in Non-target years

5. The maximum amount by weight of biodegradable municipal waste allowed in a scheme year mentioned in Table 3 to be sent to landfills from Scotland shall be in accordance with that Table.

(**2**) As a result of the amendment to the Act made by regulation 2, the 1st scheme year for England will begin on 1st April 2005 and end on 31 March 2006. The 2nd and subsequent scheme years will follow this cycle. Therefore the 2nd scheme year will begin on 1st April 2006, the 3rd scheme year on 1st April 2007 and the 4th scheme year on 1st April 2008.

Table 3

Scheme Year	*Maximum Amount (in tonnes)*
1st Year(**3**)	1,800,000
2nd Year	1,500,000
3rd Year	1,440,000
4th Year	1,380,000

Maximum Amount of Waste sent to Landfill from Wales in Non-target years

6. The maximum amount by weight of biodegradable municipal waste allowed in a scheme year mentioned in Table 4 to be sent to landfills from Wales shall be in accordance with that Table.

Table 4

Scheme Year	*Maximum Amount (in tonnes)*
1st Year (**4**)	550,000
2nd Year	1,035,000
3rd Year	970,000
4th Year	905,000
5th Year	840,000

Maximum Amount of Waste sent to Landfill from Northern Ireland in Non-target years

7. The maximum amount by weight of biodegradable municipal waste allowed in a scheme year mentioned in Table 5 to be sent to landfills from Northern Ireland shall be in accordance with that Table.

Table 5

Scheme Year	*Maximum Amount (in tonnes)*
1st Year(**5**)	669,885
2nd Year	655,545
3rd Year	641,235
4th Year	626,925

(**3**) As a result of the amendment to the Act made by regulation 2, the 1st scheme year for Scotland will begin on 1st April 2005 and end on 31 March 2006. The 2nd and subsequent scheme years will follow this cycle. Therefore the 2nd scheme year will begin on 1st April 2006, the 3rd scheme year on 1st April 2007 and the 4th scheme year on 1st April 2008.

(**4**) As a result of the amendment to the Act made by regulation 2, the 1st scheme year for Wales will begin on 1st October 2004 and end on 31 March 2005. The 2nd scheme year will begin on 1st April 2005 and end on 31st March 2006 and subsequent years will follow this cycle. Therefore the 3rd scheme year will begin on 1st April 2006, the 4th scheme year on 1st April 2007 and the 5th scheme year on 1st April 2008.

(**5**) As a result of the amendment to the Act made by regulation 2, the 1st scheme year for Northern Ireland will begin on 1st April 2005 and end on 31 March 2006. The 2nd and subsequent scheme years will follow this cycle. Therefore the 2nd scheme year will begin on 1st April 2006, the 3rd scheme year on 1st April 2007 and the 4th scheme year on 1st April 2008.