STATUTORY RULES OF NORTHERN IRELAND

2011 No. 373

ENVIRONMENTAL PROTECTION

The Landfill Allowances Scheme (Amendment) Regulations (Northern Ireland) 2011

Made - - - -	*24th October 2011*
Coming into operation	*22nd November 2011*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 6, 10 to 12, 15 and 26 of the Waste and Emissions Trading Act 2003(**1**).

In accordance with section 27(2) of that Act the Department has consulted such bodies or persons appearing to it to be representative of the interests of district councils in Northern Ireland as it considers appropriate; the interests of persons concerned in the operation of landfills in Northern Ireland as it considers appropriate; and, all other affected persons as it considers appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Landfill Allowances Scheme (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 22nd November 2011.

(2) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Landfill Allowances Scheme (Northern Ireland) Regulations 2004

2.—(1) The Landfill Allowances Scheme (Northern Ireland) Regulations 2004(**3**) are amended as follows.

(2) In regulation 2(2), omit the definition of "collected municipal waste".

(3) In the following regulations, for "collected municipal waste", substitute "local authority collected municipal waste"—

(a) regulation 10(1)(a) (obligation for district councils to keep records and make returns);

(b) regulation 12(2)(a) (determining the amount of biodegradable municipal waste in amounts of waste);

(**1**) 2003 c.33; as amended by S.I. 2011 No. 2499.
(**2**) 1954 c.33 (N.I.).
(**3**) S.R.2004 No.416; to which there are amendments not relevant to these Regulations.

(c) regulation 13(2)(a) (calculation of the amount of biodegradable municipal waste sent to landfills).

(4) In the following regulations, for "municipal waste", substitute "local authority collected municipal waste"—

(a) regulation 10(1)(b) and (c) and (2);

(b) regulation 13(2)(b) and (c) (other than in the phrase "biodegradable municipal waste").

(5) In the following places, for "biodegradable municipal waste", substitute "biodegradable local authority collected municipal waste"—

(a) regulation 10(6)(b);

(b) the cross-heading of regulation 12;

(c) regulation 12(2)(a) and (c);

(d) the cross-heading of regulation 13;

(e) regulation 13(1)(a) and (b) and 2(a), (b) and (c);

(f) regulation 14(1) and (4)(a) (utilisation of landfill allowances);

(g) regulation 15(3)(e)(i) (landfill allowances register);

(h) regulation 19(2), (3) and (4) (penalties: exceeding allowances);

(i) regulation 22 (guidance to district councils);

(j) the heading of the Schedule (amount of biodegradable municipal waste in certain types of waste);

(k) the Table in the Schedule.

(6) In regulation 12(2)(b) and (c), for "separated municipal waste", substitute "separated local authority collected municipal waste".

(7) For regulation 12(3), substitute—

"(3) In paragraph (2)—

"amount of local authority collected municipal waste" means the amount of local authority collected municipal waste for any period of time, but such period must be not less than three months;

"nearest relevant amount" means—

(a) the nearest tonne; or

(b) where the amount of biodegradable local authority collected municipal waste referred to in paragraph (2)(c) is—

(i) less than 10 tonnes, the nearest 100 kilograms;

(ii) less than 1 tonne, the nearest 10 kilograms;

"separated local authority collected municipal waste" means waste which has been separated from other local authority collected municipal waste, whether the separation occurs before or after the waste has been collected under arrangements made by a district council.".

(8) In regulation 15(3)(f)(iii), for "biodegradable waste", substitute "biodegradable local authority collected municipal waste".