



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**ADRODDIAD GAN Y PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE REPORT**

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**The Prescribed Waste (Wales) Regulations 2001**

**Background**

These regulations exercise a power in the Environmental Protection Act 1990 whereby provisions of the Act applying to “controlled waste” may be extended to apply to certain other kinds of waste.

They extend “controlled waste” in section 57 of the Act to include animal carcasses and rendered material or ash, resulting from the slaughter of animals as a direct or indirect result of measures taken in connection with foot-and-mouth disease.

The effect is that the Assembly may –

- (a) direct the holder of a waste management licence to accept such waste, and
- (b) direct any person to deliver such waste to a specified person for disposal.

The provision made by these regulations ceases to have effect on 20<sup>th</sup> July 2001.

**Standing Order 11.5**

No points have been identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention.

**General Observations**

## **Area of application**

Under section 63(1) of the 1990 Act the regulation making power is exercisable only in relation to “a prescribed area”. Whilst it seems clear that, in legal terms, the whole of Wales may constitute “a prescribed area” the question arises as to whether, in enacting this legislation, Parliament had in its contemplation the possibility that “a prescribed area” might be taken as a whole country. Given that the legislation pre-dates devolution, however, it is accepted that Parliament may have envisaged the legislation being used in this way. Accordingly, it is not considered that the question of “unusual or unexpected use of the powers” (SO11.5(i)) arises.

## **Regulation 1(1)**

The words “unless previously extended or revoked by further Regulations” are not necessary.

## **Printing corrections**

- There is a superfluous square bracket in the third paragraph of the Explanatory Note.
- Regulations 2 and 3 are both numbered 1.
- The paragraph numbering and bracketing in regulations 1(1) and 2(1) requires attention.

These matters should be corrected when the regulations are printed.

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