



Pwyllgor Deddfwriaeth Rhif.4
Legislation Committee No.4

Date: 26 February 2010

Dear Sir / Madam

Consultation on *proposed Waste (Wales) Measure*

As part of its Stage 1 consideration, the National Assembly for Wales' Legislation Committee No. 4 is calling for evidence on the general principles of the [*proposed Waste \(Wales\) Measure*](#).

What is a Measure?

A Measure is a piece of law made by the Assembly, which has a similar effect to an Act of Parliament. The Assembly is able to pass Measures on any 'matter' listed in [Schedule 5](#) to the Government of Wales Act 2006. The proposed Waste (Wales) Measure uses matters relating to the field of environment.

While a Measure is in progress through the Assembly, it is known as a 'proposed Measure'.

There is a four stage process for the consideration of a proposed Measure. Stage 1 involves consideration of the general principles of the proposed Measure by a committee (which includes the taking of written and oral evidence), and the agreement of those general principles by the Assembly.

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What does this proposed Measure seek to achieve?

The Explanatory Memorandum that accompanies the proposed Measure states:

“The provisions in this proposed Measure will put in place policy interventions which will help Wales to develop a more sustainable approach to waste management, consistent with the waste hierarchy, which is one of the fundamental principles of EC environmental law.”

What is the committee’s role?

The role of Legislation Committee No. 4 is to consider and report on the general principles of the proposed Measure. In doing so, the Committee has agreed to work within the following framework:

To consider:

- i) the need for a proposed Measure to deliver the stated objectives of:
 - making provision to reduce the amount of waste and litter in Wales;
 - contributing to the development of more effective waste management arrangements in Wales;
- ii) whether the proposed Measure achieves its stated objectives;
- iii) the key provisions set out in the proposed Measure and whether they are appropriate to deliver its objectives;
- iv) potential barriers to the implementation of the key provisions and whether the proposed Measure takes account of them;
- v) the views of stakeholders who will have to work with the new arrangements.

How you can help – the consultation questions

Further details of the proposed Measure and the accompanying Explanatory Memorandum can be found on the National Assembly’s website at:

<http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/business-legislation-measures-waste.htm>

The Committee would like to invite you to submit written evidence to assist in its scrutiny of the proposed Measure. In particular, we would welcome your views on the questions listed in **Annex 1**.

If you wish to submit evidence, please send an electronic copy of your submission to legislationoffice@wales.gsi.gov.uk and entitle the e-mail *Consultation – Proposed Waste (Wales) Measure*.

Alternatively, you can write to:

Sarah Sargent, Deputy Committee Clerk, Legislation Office, National Assembly for Wales, Cardiff Bay, CF99 1NA.

Submissions should arrive by 23 April 2010. It may not be possible to take into account responses received after this date.

Further information on the **legislative process** can be found at:

<http://www.assemblywales.org/bus-home/bus-legislation/bus-legislation-guidance/bus-legislation-guidance-measures.htm>

When preparing your submission, please keep the following in mind:

- your response should address the issues before the Committee. Please reference your response using the title applied above;
- the National Assembly normally makes responses to public consultation available for public scrutiny and they may also be seen and discussed by Assembly Members at Committee meetings. **If you do not want your response or name published, it is important that you clearly specify this in your submission;** and
- please indicate whether you are responding on behalf of an organisation, or as an individual. If you are responding on behalf of an organisation, please provide a brief description of the role of your organisation.

The Committee welcomes contributions in English and Welsh and will consider responses to the written consultation during the spring and summer term.

If you have any queries, please contact Sarah Beasley, Clerk, on 029 2089 8032 or Sarah Sargent, Deputy Clerk, on 029 2089 8408.

Yours faithfully



Jenny Randerson AM
Committee Chair

Annex 1

Proposed Waste (Wales) Measure

Consultation Questions

1. Is there a need for a proposed Measure to deliver the stated objectives of making provision to reduce the amount of waste and litter in Wales and contributing to the development of more effective waste management arrangements in Wales?
2. How will the proposed Measure change what organisations do currently and what impact will any such changes have?
3. Are the sections of the proposed Measure appropriate in terms of achieving the stated objectives?

In considering this question, consultees may wish to consider the nature of the provisions in the proposed Measure that:

- (a) require retailers to apply the net proceeds of revenues raised from the sale of single use carrier bags to specific environmental purposes or bodies (sections 1-2)
- (b) establish waste targets (sections 3-8), particularly in relation to:
 - recycling, preparation for re-use and composting targets (section 3);
 - regulations about penalties (section 4);
 - monitoring and auditing compliance with targets (section 5);
 - regulations about penalties (section 6);
 - consulting the Environment Agency, each local authority and appropriate Welsh Ministers (Section 7);
 - guidance administered by Welsh Ministers (section 8)
- (c) make regulations to prohibit the deposit of waste in a landfill (sections 9-11), including:
 - civil sanctions (section 10); and
 - consultation (section 11)

(d) establish plans for the management and disposal of site waste and penalties in relation to failure to comply with these provisions (sections 12-13)

(e) make general provision (sections 15-20), particularly in relation to:

- interpretation (section 15)
- orders and regulation: procedures (section 18)

4. What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?

5. What are the financial implications of the proposed Measure for organisations, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the proposed Measure.

6. Are there any other comments you wish to make about specific sections of the proposed Measure?