



Statutory Document No. 38/02

THE GOVERNMENT DEPARTMENTS ACT 1987
THE STATUTORY BOARDS ACT 1987

THE WASTE MANAGEMENT BOARD ORDER 2002

Approved by Tynwald 20th March 2002

Coming into operation *In accordance with article 1(2)*

In exercise of the powers conferred on the Governor in Council by paragraphs 1, 2 and 4 of Schedule 2 to the Government Departments Act 1987¹, as extended by section 5 of the Statutory Boards Act 1987², and of all other enabling powers, the following Order is hereby made:-

1. Citation and commencement

- (1) This Order may be cited as the Waste Management Board Order 2002.
- (2) Subject to paragraph 4(4) of Schedule 2 to the Government Departments Act 1987 -
 - (a) except as provided by sub-paragraphs (b) and (c), this Order shall come into operation on the 1st April 2003;
 - (b) article 4(2) shall come into operation on the 31st March 2002;
 - (c) article 3(2) and paragraphs 4 and 5 of the Schedule shall come into operation on the 1st April 2004.

2. Establishment of Board

- (1) There is established a Statutory Board by the name of "the Waste Management Board" (in this Order referred to as "the Board").
- (2) The Board shall consist of a chairman and 4 other members, all of whom shall be appointed by the Council of Ministers, subject to the approval of Tynwald.

¹ 1987 c. 13

² 1987 c. 14

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3. Transfer of functions

(1) The functions of the Department of Local Government and the Environment under the following provisions are transferred to the Board –

- (a) in Part IV (refuse disposal) of the Public Health Act 1990³ –
- section 65(3) to (8) (collection of waste)
 - section 66(7) (receptacles)
 - section 67 (disposal of waste)
 - section 68 (arrangements for disposal of waste)
 - section 69 (places for deposit of refuse)
 - section 71(3)(a) and (c) (dangerous or intractable waste)
 - section 72 (powers as respects other waste)
 - section 73 (reclamation of waste)
 - sections 74 and 75 (energy from waste);
- (b) Part I (removal and disposal of vehicles) of the Local Government (Miscellaneous Provisions) Act 1984⁴.

(2) The functions of the Department of Transport under Part I (slaughterhouses) and Part II (knackers' yards) of Schedule 2 to the Food Act 1996⁵ are transferred to the Board.

4. Consequential amendments and revocation

- (1) The enactments specified in the Schedule are amended in accordance therewith.
- (2) The Waste Management Board Order 2001⁶ is revoked.

³ 1990 c.10

⁴ 1984 c.5

⁵ 1996 c.8

⁶ SD 535/01

SCHEDULE
CONSEQUENTIAL AMENDMENTS

The Local Government (Miscellaneous Provisions) Act 1984 (c.5)

1. (1) In sections 2, 4, 5, 6, 7 and 8, for "the Department" (in each place) substitute "the Board".
- (2) In section 26, after the definition of "the 1916 Act" insert –
"the Board" means the Waste Management Board;"

The Statutory Boards Act 1987 (c.14)

2. In Schedule 1, at the end insert –
"The Waste Management Board".

The Public Health Act 1990 (c.10)

3. (1) In section 65 –
 - (a) in subsection (1)(c), for "the Department" substitute "the Waste Management Board (in this Part referred to as "the Board)";
 - (b) in subsections (3) to (9), for "Department" (in each place) substitute "Board".
- (2) In sections 66(7), 67, 68, 69, 71(3)(a) and (c), 72, 73, 74, and 76, for "Department" (in each place) substitute "Board".
- (3) For section 75 substitute –
"75 Provisions supplementary to s.74
 - (1) In relation to the supply of heat, steam or hot air, water or other media in pursuance of section 74 the Department may make regulations –
 - (a) with respect to the works and apparatus to be provided or used by persons other than the Board in connection with the supply;
 - (b) for preventing waste and unauthorised use of the supply and unauthorised interference with works and apparatus used by the Board or any other person in connection with the supply.
 - (2) Any authorised officer of the Board may, at any reasonable time, enter any premises –
 - (a) for the purpose of installing, servicing, maintaining, examining, adjusting, removing or reading any meter used or to be used by the Board for measuring the heat, steam, hot air, water or other media supplied or to be supplied by the Board;
 - (b) for the purpose of installing, servicing, maintaining, examining, adjusting or removing any equipment associated with the supply, measurement or control of such heat, hot air, water or other medium or steam.
 - (3) Section 35(3) to (6) (powers of entry) of the Local Government Act 1985 applies with any necessary modifications to the powers of an authorised officer of the Board under subsection (2) as it applies to the powers of an inspector of the Department under section 35(2).
 - (4) The Department may by order provide that section 74 and subsections (1) to (3) shall apply to a contractor as they apply to the Board, subject to such modifications as are specified in the order.
 - (5) Without prejudice to the rights and obligations of the parties under any agreement between the Board and the contractor, an order under subsection (4) shall make provision, in the event of the termination of the arrangements in question –

- (a) for anything done or suffered by the contractor under section 74 or subsections (1) to (3), or any provision of the road works code, to be treated as done or suffered by the Board; and
- (b) for any property, rights and liabilities of the contractor held, enjoyed or incurred for the purposes of those sections or the road works code to vest in the Board;

and may make such further provision as appears to the Department to be necessary or expedient in consequence of the termination.

(6) In subsection (5) "the road works code" means the provisions of Schedule 4 to the Highways Act 1986".

- (4) In section 77(1), after "In this Part –" insert –
"the Board" means the Waste Management Board;".

The Food Act 1996 (c.8)

4. In Schedule 2 –

- (a) in paragraph 1(1), for "Department of Transport" substitute "Waste Management Board (in this Schedule referred to as "the Board")".
- (b) in paragraphs 1(2), (3) and (4), 2 and 9, for "Department of Transport" substitute "Board".

The Public Health (Amendment) Act 2000 (c.4)

5. In section 11, omit subsections (2) and (3).

MADE 25th February 2002

J. F. Kissack
Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Waste Management Board Order 2001, which (with effect from 1st April 2002) established a Waste Management Board and transferred to it the waste disposal functions of the Department of Local Government and the Environment and the functions of the Department of Transport in relation to the provision of slaughterhouses and knackers' yards.

The Order makes similar provision, but increases the number of members of the Board from 3 to 5, and postpones the transfer of the functions of the Department of Local Government and the Environment and the Department of Transport to 1st April 2003 and 1st April 2004 respectively. It also transfers to the Board the functions of the former relating to the removal and disposal of vehicles.