

(Local Government Vires Certificate)

CERTIFICATE ISSUED UNDER SECTION 3 OF THE LOCAL GOVERNMENT (CONTRACTS) ACT 1997 (the "Act")

This certificate is given by Nottinghamshire County Council (the "Authority") under Section 3 of the Act in respect of a waste management contract dated 2006 between:

(1) the Authority; and

(2) Veolia ES Nottinghamshire Limited (the "Contractor")

(the "Contract")

1. Period of Contract – s3(2)(a) of the Act

The period for which the Contract is intended to operate is from 2006 until 31st March 2033 (the "Contract Period") plus the period of all or any extensions of the Contract Period in accordance with the terms of the Contract or, if earlier, the Termination Date as defined in the Contract.

2. Purpose of the Contract – s3(2)(b) of the Act

The purpose of the Contract is to enable the Contractor to provide an integrated waste management service for the management, recycling and disposal of waste (the "Service") to assist the Authority in its duties as waste disposal authority. The Service will comprise the design, development, construction and operation of the Facilities (as defined in the Contract) together with such ancillary works and services as are necessary to ensure provision of the Service in accordance with the terms of the Contract.

3. Contract type – s3(2)(c) of the Act

The Contract falls within Section 4(3) of the Act.

4. Powers to enter into the Contract – s3(2)(d) of the Act

The Authority has power to enter into the Contract pursuant to:

4.1 Section 2 of the Local Government Act 2000;

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- 4.2 Sections 51 and 55 of the Environmental Protection Act 1990 (as amended);
- 4.3 Section 1 of the Refuse Disposal (Amenity) Act 1978;
- 4.4 Section 111 of the Local Government Act 1972;
- 4.5 Section 1(1) of the Act;
- 4.6 Sections 31 (2) and 31 (3) of the Waste and Emissions Trading Act 2003; and
- 4.7 Section 47 of the Clean Neighbourhoods and Environment Act 2005.

5. Copies of Certificate – s3(2)(e) of the Act

A copy of this Certificate is to be given to each person to whom a copy is required to be given by the Local Authorities (Contracts) Regulations 1997 (as amended) (the “Regulations”) as follows:

- 5.1 pursuant to Regulation 3 of the Regulations, to the Contractor; and
- 5.2 pursuant to Regulation 4 of the Regulations, to the monitoring officer and auditor of the Authority.

6. Matters to be dealt with in the Certificate – s3(2)(f) of the Act and Regulation 6 of the Regulations

The main relevant functions, the discharge of which the Contract is calculated to facilitate, and/or is conducive to or incidental to, are those conferred by:

- 6.1 Sections 51 and 55 of the Environmental Protection Act 1990 (as amended); and
- 6.2 Section 1 of the Refuse Disposal (Amenity) Act 1978.

7. Compliance with Regulations – s3(2)(g) of the Act

The Authority will comply with all requirements imposed by regulations with respect to the issue of certificates under Section 3(2)(g) of the Act.

8. Consent of other parties to the Contract – s3(4) of the Act

The Contractor is the only other party to the Contract, and by clause 7.2 of the Contract the Contractor has consented to the issue of this certificate.

Signed this day of 2006

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Name:

Statutory Chief Officer within the meaning given to that expression in Section 2(6) of the Local Government and Housing Act 1989.

Being duly authorised by the Authority and being an officer authorised under Section 3(3) of the Act and Section 7 of the Regulations.

Nottinghamshire County Council
County Hall
West Bridgford
Nottingham
NG2 7QP

Copies to:
The Contractor
The Authority's monitoring officer
The Authority's auditor