



Environment (Wales) Act 2016

2016 anaw 3

PART 4

COLLECTION AND DISPOSAL OF WASTE

Disposal of waste

PROSPECTIVE

66 Prohibition on disposal of food waste to sewer

(1) In the Environmental Protection Act 1990, after section 34C insert—

“Wales: disposal of food waste

34D Prohibition on disposal of food waste to sewer

- (1) An occupier of premises in Wales must not—
 - (a) discharge food waste produced on or brought onto the premises, or
 - (b) knowingly cause or knowingly permit food waste produced on or brought onto the premises to be discharged,into a public sewer or a sewer or drain communicating with a public sewer.
- (2) Subsection (1) does not apply to an occupier of premises within paragraph (a) or (b) of section 75(5) (domestic property and caravans).
- (3) A person commits an offence if, without reasonable excuse, the person contravenes subsection (1).
- (4) A person who commits an offence under subsection (3) is liable on summary conviction, or on conviction on indictment, to a fine.
- (5) In subsection (1)—

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Changes to legislation: *There are currently no known outstanding effects for the Environment (Wales) Act 2016, Cross Heading: Disposal of waste. (See end of Document for details)*

“food waste” means controlled waste that—

- (a) has at any time been food (which for this purpose does not include drink) intended for human consumption, or
- (b) is biodegradable waste arising from the processing or preparation of food or drink,

but does not include waste that is mixed with water or any other liquid as a result of the water or liquid having been used to clean any place or equipment used in processing or preparing food or drink;

“drain”, “public sewer” and “sewer” have the meanings given in section 219(1) of the Water Industry Act 1991.

(6) The Welsh Ministers may by regulations—

- (a) provide for subsection (1) to apply only in circumstances specified in the regulations;
- (b) make provision (which may include provision amending this section) for subsection (1) to apply subject to exceptions in addition to those in subsection (2);
- (c) amend the definition of “food waste” in subsection (5).

(7) Regulations under subsection (6)(a) or (b) may make different provision for different purposes, different cases (including different persons, premises or types of food waste) and different areas.”

(2) In section 118 of the Water Industry Act 1991 (c. 56)—

- (a) in subsection (1), after “trade premises” insert “ in England ”;
- (b) after subsection (1) insert—

“(1A) Subject to the following provisions of this Chapter and section 34D of the Environmental Protection Act 1990, the occupier of any trade premises in Wales in the area of a sewage undertaker may discharge any trade effluent proceeding from those premises into the undertaker's public sewers if the occupier does so with the undertaker's consent.”

67 Power to prohibit or regulate disposal of waste by incineration

In the Waste (Wales) Measure 2010 (nawm 8), after section 9 insert—

“9A Regulations prohibiting incineration of waste

- (1) The Welsh Ministers may by regulations make provision for and in connection with prohibiting or otherwise regulating the incineration in Wales of specified kinds of waste.
- (2) Regulations under subsection (1) may (among other things)—
 - (a) amend regulations made under section 2 of the Pollution Prevention and Control Act 1999 which relate to the operation of waste incineration plants or waste co-incineration plants;
 - (b) provide for offences in relation to failure to comply with provision made under the regulations;
 - (c) provide for penalties in relation to such offences;

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(d) provide for enforcement authorities and the functions of such authorities.

(3) In this section—

“incineration” (“*llosgi*”), in relation to waste, means—

(a) incineration of the waste in a waste incineration plant or waste co-incineration plant, and

(b) any other thermal treatment of the waste prior to its incineration;

“waste incineration plant” (“*peiriant llosgi gwastraff*”) has the meaning given in Article 3(40) of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast);

“waste co-incineration plant” (“*peiriant cydlosgi gwastraff*”) has the meaning given in Article 3(41) of that Directive.”

Commencement Information

II [S. 67](#) in force at 18.10.2023 by [S.I. 2023/1096](#), [art. 2\(b\)](#)

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