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STATUTORY INSTRUMENTS

2012 No. 1889

**ENVIRONMENTAL PROTECTION,
ENGLAND AND WALES**

The Waste (England and Wales) (Amendment) Regulations 2012

<i>Made</i>	- - - -	<i>17th July 2012</i>
<i>Laid before Parliament</i>		<i>19th July 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>19th July 2012</i>
<i>Coming into force</i>	- -	<i>1st October 2012</i>

The Secretary of State is designated(1) for the purposes of the European Communities Act 1972(2) in relation to the environment. The Welsh Ministers are designated(3) for the purposes of that Act in relation to the prevention, reduction and management of waste.

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Waste (England and Wales) (Amendment) Regulations 2012.

(2) They come into force on 1st October 2012.

Amendment of the Waste (England and Wales) Regulations 2011

2.—(1) The Waste (England and Wales) Regulations 2011(4) are amended as follows.

(2) For regulation 13 substitute—

(1) [S.I. 2008/301](#).

(2) [1972 c. 68](#). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([c. 51](#)) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 ([c. 7](#)).

(3) [S.I. 2010/1552](#).

(4) [S.I. 2011/988](#), to which there are amendments not relevant to this instrument.

“Duties in relation to collection of waste

13.—(1) This regulation applies from 1st January 2015.

(2) Subject to paragraph (4), an establishment or undertaking which collects waste paper, metal, plastic or glass must do so by way of separate collection.

(3) Subject to paragraph (4), every waste collection authority must, when making arrangements for the collection of waste paper, metal, plastic or glass, ensure that those arrangements are by way of separate collection.

(4) The duties in this regulation apply where separate collection—

(a) is necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery; and

(b) is technically, environmentally and economically practicable.”.

(3) In regulation 14, for paragraph (2) substitute—

“(2) This duty applies where keeping waste separate is necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery.”.

(4) In regulations 38(2) (compliance notices), 39(2) (stop notices) and 42(3) (penalties), for “13(1)” substitute “13(2)”.

(5) After regulation 48, insert—

“Review

49.—(1) The Secretary of State must from time to time—

(a) carry out a review of these Regulations in relation to England;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Waste Framework Directive (which is implemented in part by means of these Regulations) is implemented in other member States.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of 5 years beginning with 1st October 2012.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.”.

17th July 2012

16th July 2012

John Griffiths
Minister for Environment and Sustainable
Development
one of the Welsh Ministers
Taylor of Holbeach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Waste (England and Wales) Regulations 2011 (S.I. 2011/988) (“the 2011 Regulations”) to ensure proper transposition of Directive 2008/98/EC of the European Parliament and of the Council on waste (OJ No L 312, 22.11.08, p3).

Paragraphs (2) and (3) of regulation 2 respectively provide for the substitution of new regulations 13 and 14(2) of the 2011 Regulations. Regulation 2(4) makes changes consequential on renumbering.

Regulation 2(5) provides for the insertion of a new regulation 49 into the 2011 Regulations, which requires the Secretary of State to review the operation and effect of those Regulations in relation to England within 5 years after 1st October 2012 and within every 5 years after that.

A full impact assessment of the effect of the 2011 Regulations on business, the voluntary sector and the public sector was prepared and annexed to the Explanatory Memorandum which is available alongside that instrument on www.legislation.gov.uk. No separate impact assessment has been produced for this instrument as no additional impact on business, the voluntary sector or the public sector is anticipated.