
STATUTORY INSTRUMENTS

1992 No. 462

ENVIRONMENTAL PROTECTION

The Environmental Protection (Waste Recycling Payments) Regulations 1992

<i>Made</i>	- - - -	<i>2nd March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred on them by section 52(8) of the Environmental Protection Act 1990(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Protection (Waste Recycling Payments) Regulations 1992 and shall come into force on 1st April 1992.

(2) In these Regulations—

“the 1990 Act” means the Environmental Protection Act 1990; and

“transport costs” includes any contribution made by a waste disposal authority to a collection authority under section 52(10) of the 1990 Act.

Determination of a waste disposal authority’s net saving of expenditure where waste is to be recycled

2.—(1) A waste disposal authority’s net saving of expenditure for the purposes of section 52(1) or (3) of the 1990 Act in relation to waste which is retained or collected for recycling shall be determined in accordance with the following provisions of this regulation.

(2) The authority’s net saving of expenditure shall be an amount equal to half the expenditure which it would have incurred in disposing of the waste at a cost per tonne equal to its average cost per tonne at the relevant time of disposing of similar waste using its most expensive disposal method unless it is shown that its net saving of expenditure is a higher amount, in which case it shall be that amount.

(1) 990 c.43.

(3) In determining its average cost per tonne of disposing of similar waste, the authority shall take into account—

- (a) the market value at the relevant time of any of its assets (including land) used in connection with disposal of that waste;
- (b) any expenditure incurred by the authority in operating any site or transfer station used in connection with the disposal of that waste;
- (c) any transport costs incurred by the authority in relation to that waste;
- (d) any expenditure which will be incurred in closing, restoring and subsequently maintaining any site belonging to the authority which is used for the disposal of that waste; and
- (e) any other expenditure incurred by the authority in relation to that waste.

(4) No account shall be taken of expenditure incurred by the authority in determining the amount of, or in making, any payment under section 52(1) or (3) of the 1990 Act.

(5) If a determination cannot be made under paragraph (2) because sufficient accurate information is not available or could only be obtained at a disproportionate cost, the authority's net saving of expenditure shall be determined by reference to the relevant figure shown in the Schedule hereto.

26th February 1992

Michael Heseltine
Secretary of State for the Environment

26th February 1992

David Hunt
Secretary of State for Wales

2nd March 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

THE SCHEDULE

Regulation 2(5)

REPRESENTATIVE SAVINGS IN WASTE DISPOSAL COSTS

Type of waste disposal authority	Saving in waste disposal costs per tonne
A London waste disposal authority for an area which includes an inner London borough.	£16.50
The council of an inner London borough.	
The Common Council of the City of London	
A London waste disposal authority which comprises outer London boroughs.	£14.00
The council of an outer London borough.	
The Greater Manchester Waste Disposal Authority.	£11.00
The Merseyside Waste Disposal Authority.	
The council of a metropolitan district.	
Any other waste disposal authority.	£8.00 where the authority incurs any transport costs in disposing of similar waste and £4.50 in other cases.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 52(1) of the Environmental Protection Act 1990 requires waste disposal authorities to pay waste collection authorities amounts representing their net savings on the disposal of waste retained by the collection authorities for recycling.

Section 52(3) of that Act confers a power on waste disposal authorities to pay persons other than waste collection authorities equivalent amounts for waste collected by them for recycling.

These Regulations discharge the Secretary of State's duty to make provision for the determination of a waste disposal authority's net saving of expenditure for the purposes of section 52(1) or (3) of that Act in relation to such waste (the corresponding duty in relation to section 52(2), (4) and (5) has not yet been commenced).