
WELSH STATUTORY INSTRUMENTS

2006 No. 123 (W.16)

ENVIRONMENTAL PROTECTION, WALES

**The Waste (Household Waste Duty
of Care) (Wales) Regulations 2006**

Made - - - - 24 January 2006

Coming into force - - 26 January 2006

The National Assembly for Wales, being designated⁽¹⁾, in relation to Wales, for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾, in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste, in exercise of the powers conferred on it by section 2(2) of that Act, makes the following Regulations:

Title and commencement

1. The title of these Regulations is the Waste (Household Waste Duty of Care) (Wales) 2006 and they come into force on 26 January 2006.

Application of household waste duty of care to waste from domestic properties in Wales

2.—(1) In section 34(2A) (duty of care etc. as respects waste) of the Environmental Protection Act 1990⁽³⁾, after “England” insert “or Wales”.

(2) In section 2(2) of the Controlled Waste Regulations 1992⁽⁴⁾, after “England” insert “or Wales”.

(1) S.I. 2005/850.

(2) 1972 c. 68.

(3) 1990 c. 43.

(4) S.I. 1992/588, to which there are amendments not relevant to these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

24 January 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 2(2) of the European Communities Act 1972. Their main aim is to implement, in relation to Wales, Article 8 of Council Directive [75/442/EEC](#) on waste⁽⁶⁾ (the “Waste Framework Directive”) as respects an occupier of domestic property in relation to the household waste produced on the property.

Regulation 1 (title and commencement) provides that these Regulations come into force on 26 January 2006 and apply in relation to Wales.

Regulation 2 amends section 34 of the Environmental Protection Act 1990 (“the 1990 Act”). Section 34(2A) of the 1990 Act (as inserted by the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005⁽⁷⁾) imposes a duty on an occupier of domestic property in England as respects the household waste produced on the property. The duty imposed is to take all such measures available to him or her as are reasonable in the circumstances to secure that any transfer by him or her of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes. Regulation 2(2) extends that duty to any occupier of domestic property in Wales. Any person who fails to comply with that duty is liable to penalties, according to section 34(6) of the 1990 Act.

Regulation 3(1) makes consequential amendments to regulation 2(2) of the Controlled Waste Regulations 1992⁽⁸⁾.

A regulatory appraisal of the effect that this instrument will have on the costs of business has been prepared and is available from the Environment — Protection and Quality Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

(6) O.J. No. L194, 25.7.1975, p.39 (as amended by Council Directives [91/156/EEC](#) (O.J. No. L78, 26.3.1991, p.32), [91/692/EEC](#) (O.J. No. L377, 31.12.1991, p.48 (as corrected by Corrigendum, O.J. No. L146, 13.6.2003, p.52)), Commission Decision [96/350/EEC](#) (O.J. No. L135, 6.6.1996, p.32) and Regulation (EC) No. [1882/2003](#) (O.J. No. L284, 31.10.2003 p.1)).

(7) [S.I. 2005/2900](#).

(8) [S.I. 1992/588](#).