



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

[^{F1}Electronic waste tracking

[^{F1}34CA Electronic waste tracking

- (1) The relevant national authority may by regulations make provision for the purpose of tracking relevant waste, including provision about the establishment of an electronic system (“the system”) for that purpose.
- (2) The regulations may impose requirements on relevant waste controllers, or a waste regulation authority, to take specified steps to secure the entry into the system of specified information about, or which is relevant to the tracking or regulation of, specified relevant waste.
- (3) The information which may be specified includes information about—
 - (a) the processing, movement or transfer to another person of relevant waste or waste processing products;
 - (b) persons to whom relevant waste or waste processing products have been transferred;
 - (c) the carrying out of any activity by relevant waste controllers in relation to, or in connection with, relevant waste or waste processing products;
 - (d) relevant waste controllers.
- (4) The regulations may impose requirements on relevant waste controllers to take specified steps to enable physical identification of specified relevant waste or waste processing products.
- (5) The regulations may allow relevant waste controllers, or a waste regulation authority, to make arrangements for other persons to discharge their obligations under the

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regulations, and may impose requirements on such persons in connection with such arrangements.

- (6) The regulations must provide for an exemption for digitally excluded persons from any requirement that would involve the use of electronic communications or the keeping of electronic records, but may impose alternative requirements on those persons that do not involve either.
- (7) The regulations may designate a person to establish, operate or maintain the system and may confer functions on such a person.
- (8) The regulations may make provision about how information held on the system is to be used including provision—
 - (a) about who may access the information;
 - (b) permitting, or requiring, the disclosure, publication or transfer to another electronic system of such information;
 - (c) imposing requirements on persons who obtain such information not to further disclose it.
- (9) The regulations may impose fees or charges, payable to a person designated by, or in accordance with, the regulations, on persons subject to any requirement imposed by the regulations.
- (10) The amount of such fees or charges may reflect the costs of establishing, operating or maintaining the system and any other costs incurred in connection with the tracking of relevant waste by a person designated to establish, operate or maintain the system.
- (11) The relevant national authority may provide grants or loans to a person designated to establish, operate or maintain the system.
- (12) In this section—

“digitally excluded person” means a person—

 - (a) who is a practising member of a religious society or order whose beliefs are incompatible with using electronic communications or keeping electronic records, or
 - (b) for whom it is not reasonably practicable to use electronic communications or to keep electronic records for any reason (including age, disability or location);

“extractive waste”—

 - (a) in relation to regulations made in relation to England or Wales, has the meaning it has in this Part (as it extends to England and Wales);
 - (b) in relation to regulations made in relation to Scotland, has the meaning it has in the Management of Extractive Waste (Scotland) Regulations 2010 ([S.S.I. 2010/60](#));

“relevant national authority” means—

 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;

“relevant waste” means controlled waste or extractive waste;

“relevant waste controller” means any person who—

 - (a) is subject to the duty in section 34(1) (duty of care as respects controlled waste),

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(b) imports, produces, carries, keeps, treats, manages or disposes of extractive waste or, as a dealer or broker, has control of such waste, or

(c) exports relevant waste;

“specified” means specified or described in the regulations;

“waste processing product” means any product of the processing of relevant waste, including material which is not relevant waste or which is not derived from relevant waste.]

Textual Amendments

F1 [Ss. 34CA, 34CB](#) and cross-heading inserted (9.1.2022) by [Environment Act 2021 \(c. 30\)](#), **ss. 58(2), 147(2)(g)** (with [s. 144](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)