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STATUTORY INSTRUMENTS

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**2006 No. 743**

**The Environmental Protection (Waste Recycling Payments) Regulations 2006**

**Title, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Environmental Protection (Waste Recycling Payments) Regulations 2006 and come into force on 6th April 2006.

(2) These Regulations apply to England only.

(3) In these Regulations “the 1990 Act” means the Environmental Protection Act 1990.

**Waste disposal authority payments for recycling**

2. The payments to be made by a waste disposal authority under section 52(1) or (3) of the 1990 Act shall consist of such amounts representing the authority’s net saving of expenditure on the disposal of the waste as are determined in accordance with these Regulations.

**Determination of a waste disposal authority’s net saving of expenditure**

3.—(1) A waste disposal authority’s net saving of expenditure on the disposal of any waste retained or collected for recycling is (A–B) where:

- (a) A is the amount of the expenditure which the authority would, but for the retention or collection, have incurred in having it disposed of; and
- (b) B is any amount payable by the authority to any person in consequence of the retention or collection for recycling (instead of the disposal) of the waste.

(2) Subject to paragraph (4), the authority’s amount of expenditure shall be the amount resulting from—

- (a) calculating separately the amounts of expenditure which it would have incurred in disposing of the waste at the relevant date in each of the relevant areas;
- (b) calculating the average of the amounts of expenditure calculated pursuant to the previous sub-paragraph; and
- (c) increasing that figure by 3% on 1st April of 2007, with subsequent increases by 3% of the compounded figure on 1st April every year.

(3) For the purposes of paragraph (2)(a) the amounts of expenditure shall be calculated at a cost per tonne equal to the waste disposal authority’s average cost per tonne for the disposal of similar waste at the relevant date in each of the relevant areas using the authority’s most expensive disposal method for waste collected in each of those areas.

(4) For the period beginning on 6th April 2006 and ending on 31st March 2007—

- (a) the authority’s amount of expenditure for the purposes of paragraph (1) shall be calculated at a cost per tonne equal to the authority’s average cost per tonne for the disposal of similar waste at the relevant date, using the authority’s most expensive disposal method for waste collected in the relevant recycling area; and

(b) “the relevant recycling area” means the waste collection authority area in which the waste in question is collected or, where the waste in question is collected by a person other than a waste collection authority in the area of more than one waste collection authority and it is not reasonably practicable for that person to determine how much of that waste was collected in each of those areas, the area consisting of the areas of all those waste collection authorities.

(5) In determining the waste disposal authority’s cost per tonne of disposing of similar waste, no account shall be taken of expenditure incurred by the waste disposal authority in determining the amount of, or in making, any payment under section 52(1) or (3) of the 1990 Act.

(6) If a determination cannot be made under paragraphs (1) to (4) because sufficient accurate information is not available or could only be obtained at a disproportionate cost, the waste disposal authority’s net saving of expenditure shall be determined by reference to the relevant figure shown in the Schedule to these Regulations, which shall be increased by 3% on 1st April of 2007, with subsequent increases by 3% of the compounded figure on 1st April every year.

(7) In this regulation—

“the relevant date” means 31st March 2006; and

“the relevant areas” means the waste collection authority areas within which the waste disposal authority carries out its waste disposal functions.

#### **Revocation**

4. The following Regulations are revoked—

- (a) The Environmental Protection (Waste Recycling Payments)(England) Regulations 2004(1); and
- (b) The Environmental Protection (Waste Recycling Payments)(England)(Amendment) Regulations 2005(2).

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(1) S.I.2004/639 amended by S.I. 2005/415.

(2) S.I. 2005/415.