
STATUTORY INSTRUMENTS

2024 No. 365

**The Waste Enforcement (Fixed Penalty Receipts)
(Amendment) (England and Wales) Regulations 2024**

Amendments to Part 2 of the Environmental Protection Act 1990

2. Part 2 of the Environmental Protection Act 1990 (waste on land)(1) is amended as follows—
- (a) after section 73 (appeals and other provisions relating to legal proceedings and civil liability)(2), insert—

“73ZA Use of fixed penalty receipts: England

(1) The Environment Agency must pay amounts received by it under section 34ZA or 34A(3) to the Secretary of State.

(2) A waste collection authority(4) may use its fixed penalty receipts under section 33ZA(5) or 34ZA only for the purposes of—

- (a) the employment or engagement of its authorised officers, as defined in section 33ZA(12) or 34ZA(12), or any of the functions of those officers,
- (b) its functions relating to offences under—
- (i) section 33(6), to the extent that it relates to a contravention of section 33(1)(a) (deposit of controlled waste)(6),
- (ii) section 33ZA(7) (failure to give name or address in response to request from an authorised officer proposing to issue a fixed penalty notice),
- (iii) section 34(6), to the extent that it relates to a contravention of section 34(2A) (duty to secure that transfer of household waste is only to an authorised person)(7), or
- (iv) section 34ZA(14) (failure to give name or address in response to request from an authorised officer proposing to issue a fixed penalty notice),
- (c) its functions relating to the collection and disposal of controlled waste(8) deposited in contravention of section 33(1)(a),

(1) 1990 c. 43 (“the 1990 Act”).

(2) There are amendments to section 73 not relevant to these Regulations.

(3) Section 34ZA is inserted by S.I. 2018/1227 and amended by section 69(4) of the Environment Act 2021 (c. 30) and S.I. 2023/770. Section 34A is inserted by section 45 of the Clean Neighbourhoods and Environment Act 2005 (c. 16) (“the 2005 Act”) and amended by S.I. 2013/755.

(4) Section 30(3) of the 1990 Act defines “waste collection authorities”.

(5) Section 33ZA is inserted by S.I. 2016/334 and amended by section 69(2) of the Environment Act 2021 and S.I. 2023/770. Section 33ZA will be amended by section 57(3) of the Environment Act 2021 when that section comes into force.

(6) Section 33 is amended by section 120 of, and paragraph 64 of Schedule 22 and Schedule 24 to, the Environment Act 1995 (c. 25), section 40(1) and 41(1) of the 2005 Act and S.I. 2005/894, 2006/937, 2007/3538, 2009/1799, 2015/664, 2016/738, 2016/1154, 2019/620 and 2023/149. There are other amendments not relevant to these Regulations.

(7) Section 34 is amended by section 33 of the Deregulation and Contracting Out Act 1994 (c. 40) and S.I. 1999/1820, 2000/1973, 2005/2900, 2006/123, 2007/3538, 2009/1799, 2010/675 and 2011/988. There are other amendments not relevant to these Regulations.

(8) Section 75(4) of the 1990 Act defines “controlled waste”.

- (d) its functions relating to the restoration of land following the deposit of controlled waste in contravention of section 33(1)(a), and
 - (e) such other of its functions as may be specified in regulations made by the Secretary of State.
- (3) A waste collection authority may use its fixed penalty receipts under section 34A, 46A or 47ZA(9) only for the purposes of—
- (a) its functions under this Part (including functions relating to offences under this Part), and
 - (b) such other of its functions as may be specified in regulations made by the Secretary of State.
- (4) Regulations under subsection (3)(b) may (in particular) have the effect that a waste collection authority may use its fixed penalty receipts under section 34A, 46A or 47ZA for the purposes of any of its functions.
- (5) A waste collection authority must supply the Secretary of State with such information relating to its use of its fixed penalty receipts as the Secretary of State may require.
- (6) The Secretary of State may by regulations make provision—
- (a) about what a waste collection authority must do with its fixed penalty receipts pending the use of those receipts for the purposes referred to in subsection (2) or (3);
 - (b) about the period within which a waste collection authority must use those fixed penalty receipts for those purposes;
 - (c) about what a waste collection authority must do with those fixed penalty receipts that are not used for those purposes within that period;
 - (d) for accounting arrangements in respect of a waste collection authority’s fixed penalty receipts.
- (7) The provision that may be made under subsection (6)(c) includes (in particular) provision for the payment of sums to a person (including the Secretary of State) other than the waste collection authority.
- (8) Before making regulations under this section, the Secretary of State must consult—
- (a) the waste collection authorities to which the regulations are to apply;
 - (b) such other persons as the Secretary of State thinks fit.
- (9) Regulations under this section may make different provision for different purposes (including different provision in relation to different waste collection authorities or different descriptions of authority).
- (10) In this section—
- “fixed penalty receipts”, in relation to a waste collection authority, are amounts received by the authority under section 33ZA, 34ZA, 34A, 46A or 47ZA;
 - “waste collection authority” means a waste collection authority in England.”;
- (b) in section 73A (use of fixed penalty receipts)(10)—
- (i) in the heading, at the end, insert “: Wales”;

(9) Section 46A is inserted by section 58(3) of the Deregulation Act 2015 (c. 20). Section 47ZA is inserted by section 48 of the 2005 Act.

(10) Section 73A is inserted by section 52 of the 2005 Act and amended by section 58(5) of the Deregulation Act 2015 and S.I. 2013/755, 2016/334, 2017/1024, 2018/1227 and 2019/331.

- (ii) omit subsection (1);
- (iii) in subsection (2), omit—
 - (aa) “33ZA,”;
 - (bb) “34ZA,”;
 - (cc) “, 46A”;
- (iv) in each of the following subsections, for “appropriate person” substitute “Welsh Ministers”—
 - (aa) (2)(b);
 - (bb) (4), in both places it occurs;
 - (cc) (5);
 - (dd) (6);
 - (ee) (7), in both places it occurs;
- (v) in subsection (7)(b), for “thinks” substitute “think”;
- (vi) at the end, insert—
 - “(10) In this section, “waste collection authority” means a waste collection authority in Wales.”.