

2024 No. 639 (C. 40)

ENVIRONMENTAL PROTECTION

**The Environment Act 2021 (Commencement No. 9 and
Transitional Provisions) Regulations 2024**

Made - - - -

14th May 2024

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 147(3) and (10) and 148(1) of the Environment Act 2021(a).

Citation and interpretation

1.—(1) These Regulations may be cited as the Environment Act 2021 (Commencement No. 9 and Transitional Provisions) Regulations 2024.

(2) In these Regulations—

“the Act” means the Environment Act 2021;

“the 1990 Act” means the Environmental Protection Act 1990(b);

“the 1991 Act” means the Water Industry Act 1991(c).

Provisions coming into force on 17th May 2024

2. The following provisions of the Act come into force on 17th May 2024—

(a) section 57 (separation of waste);

(b) sections 74 to 77 (environmental recall of motor vehicles etc);

(c) section 81 (reporting on discharges from storm overflows), for the purposes of making regulations under section 141DA of the 1991 Act(d) only;

(d) section 82(2) (which relates to the power to make regulations under the 1991 Act), in so far as it is not already in force.

Provision coming into force on 1st September 2024

3. Section 79 (drainage and sewerage management plans) of the Act comes into force on 1st September 2024, so far as relating to undertakers whose areas are wholly or mainly in England.

Provision coming into force on 1st January 2025

4. Section 81 of the Act comes into force on 1st January 2025, for all remaining purposes.

(a) 2021 c. 30.

(b) 1990 c. 43.

(c) 1991 c. 56.

(d) Section 141DA was inserted by section 81 of the Environment Act 2021.

Transitional provision: arrangements for waste collection

5.—(1) Paragraph (2) applies to arrangements for the collection of household waste from domestic premises in England during the period beginning with the coming into force of section 57(4) of the Act and ending on 31st March 2026.

(2) Where this paragraph applies, an English waste collection authority—

- (a) is not required to meet the conditions in section 45A(3) to (8) of the 1990 Act as substituted by section 57(4) of the Act; but
- (b) must continue to meet the requirement in section 45A(2) of the 1990 Act as that section applied immediately before the coming into force of section 57(4) of the Act.

(3) Paragraph (4) applies to arrangements for the collection of household waste from relevant non-domestic premises and relevant industrial or commercial waste from premises in England during the period beginning with the coming into force of section 57(4) of the Act and ending on 31st March 2025.

(4) Where this paragraph applies—

- (a) arrangements for household waste to be collected from relevant non-domestic premises—
 - (i) are not required to meet the conditions in section 45AZA(3) to (7) of the 1990 Act as substituted by section 57(4) of the Act; but
 - (ii) must continue to meet the requirement in section 45A(2) of the 1990 Act as that section applied immediately before the coming into force of section 57(4) of the Act;
- (b) arrangements for relevant industrial or commercial waste to be collected from premises are not required to meet the conditions in section 45AZB(3) to (7) of the 1990 Act as substituted by section 57(4) of the Act;
- (c) a person who presents any household waste or relevant industrial or commercial waste from premises for collection is not required to meet the requirements in section 45AZA(8) or 45AZB(8) of the 1990 Act as substituted by section 57(4) of the Act.

Transitional provision: arrangements for household waste collection after 31st March 2026 in certain areas

6.—(1) This regulation applies to an English waste collection authority specified in the first column of the Table in the Schedule, during the period beginning with 1st April 2026 and ending on the date specified in the corresponding entry in the second column of that Table.

(2) Where this regulation applies, section 45A of the 1990 Act (England: separate collection of household waste), as substituted by section 57(4) of the Act, has effect as if—

- (a) in subsection (7), “(e) or” were omitted;
- (b) subsection (8) were omitted; and
- (c) in subsection (10), paragraph (e) were omitted.

(3) Where this regulation applies, the English waste collection authorities are not required to meet the first condition in section 45A(3) of the 1990 Act in relation to the collection of garden waste where the only other household waste that is to be collected with that garden waste is food waste.

Transitional provision: arrangements for collection of waste in certain areas from relevant non-domestic premises after 31st March 2025

7.—(1) This regulation applies to relevant non-domestic premises located in the area of an English waste collection authority specified in the first column of the Table in the Schedule, during the period beginning with 1st April 2025 and ending on the date specified in the corresponding entry in the second column of that Table.

(2) Where this regulation applies, section 45AZA of the 1990 Act (England: separate collection of household waste from relevant non-domestic premises), as inserted by section 57(4) of the Act, has effect as if—

- (a) subsection (7) were omitted; and
- (b) in subsection (10), paragraph (e) were omitted.

Robbie Moore

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

14th May 2024

SCHEDULE

Transitional Provisions

Regulations 6 and 7

Table

<i>Waste Collection Authority</i>	<i>Date</i>
Blackburn with Darwen Borough Council	1 June 2026
London Borough of Tower Hamlets	1 April 2027
Wiltshire Council	1 August 2027
Ashfield District Council	1 October 2027
Bassetlaw District Council	1 October 2027
Broxtowe Borough Council	1 October 2027
Gedling Borough Council	1 October 2027
Mansfield District Council	1 October 2027
Newark and Sherwood District Council	1 October 2027
Rushcliffe Borough Council	1 October 2027
The Council of the Borough of Kirklees	2 April 2028
Nottingham City Council	1 July 2030
Bolton Metropolitan Borough Council	1 April 2034
Bury Metropolitan Borough Council	1 April 2034
Manchester City Council	1 April 2034
Oldham Metropolitan Borough Council	1 April 2034
Rochdale Borough Council	1 April 2034
Salford City Council	1 April 2034
Cumberland Council	4 June 2034
Westmorland and Furness Council	4 June 2034
The Council of the City of Wakefield	25 February 2038
Sheffield City Council	1 August 2038
The Borough Council of Gateshead	1 April 2039
The Council of the Borough of South Tyneside	1 April 2039
The Council of the City of Sunderland	1 April 2039
Wigan Borough Council	1 April 2040
Barnsley Metropolitan Borough Council	1 July 2040
City of Doncaster Council	1 July 2040
Rotherham Metropolitan Borough Council	1 July 2040
City of York Council	1 February 2043
The North Yorkshire Council	1 February 2043

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the ninth commencement regulations made by the Secretary of State under the Environment Act 2021 (c.30) (“the Act”).

Regulation 2 brings into force on 17th May 2024 specified sections of the Act.

Section 57 of the Act amends the Environmental Protection Act 1990 (c. 43) (“the 1990 Act”) and the Environment Act 1995 (c. 25) (“the 1995 Act”). Subsection (4) substitutes new sections 45A to 45AZG for section 45A of the 1990 Act to introduce new requirements in England for the separate collection of household waste from domestic and relevant non-domestic premises, and of relevant waste. Subsections (5) and (6) amend sections 46(2) (receptacles for household waste) and 47(3) (receptacles for commercial or industrial waste) of the 1990 Act to enable English waste collection authorities to require the use of appropriate receptacles for the purposes of complying with the new duties under sections 45A to 45AZB of the 1990 Act. Subsection (8) amends the 1995 Act to enable the Environment Agency to make a charging scheme in relation to performing its functions relating to sections 45A to 45AZB of the 1990 Act.

Sections 74 to 77 of the Act provide for the Secretary of State to make regulations providing for the recall of relevant products, including motor vehicles, that do not meet relevant environmental standards.

Section 81 is commenced for the limited purpose of enabling regulations to be made under section 141DA into the Water Industry Act 1991 (c.56) (“the 1991 Act”).

Section 82(2), which is already partially commenced, makes consequential amendments to section 213 of the 1991 Act to include a reference to the regulation making powers of new sections 141DA and 141DB.

Regulation 3 brings into force section 79 of the Act on 1st September 2024 so far as relating to undertakers whose areas are wholly or mainly in England. Section 79 inserts new sections 94A to 94E into the 1991 Act, to introduce new requirements on sewerage undertakers to prepare, publish and maintain drainage and sewerage management plans.

Regulation 4 brings into force section 81 of the Act on 1st January 2025, for all remaining purposes. Section 81 inserts new section 141DA into the 1991 Act to establish a legal requirement for sewerage undertakers wholly or mainly in England to report in near real time on when a discharge starts and stops.

Regulation 5 makes transitional provision in connection with the commencement of section 57 of the Act in order to provide, in certain cases, an extended period for duty holders to comply with the new duties. In the meantime, English waste collection authorities must continue to comply with the requirements in section 45A(2) of the 1990 Act as it applied immediately before the coming into force of section 57 of the Act.

Regulations 6 and 7 make further transitional provisions in relation to the areas serviced by the English waste collection authorities that are specified in the first column of the Table in the Schedule. The duty holders in those areas have until the date specified for each authority in the corresponding entry in the second column of the Table in the Schedule to introduce separate food waste collections for domestic and relevant non-domestic premises. This is in order to account for existing long-term waste disposal contracts.

Regulation 6 also provides that the English waste collection authorities specified in the first column of the Table in the Schedule are not required to fully meet the condition in section 45A(3) of the 1990 Act until the date specified in the corresponding entry in the second column of the Table in the Schedule. The condition is that recyclable household waste must be collected separately from other household waste, in relation to the collection of garden waste, but only if the other household waste being collected with that garden waste is food waste.

An impact assessment has not been published for these Regulations as they have no impact on cost to business, the public or voluntary sectors independent of the provisions these Regulations bring into force. A full impact assessment has been published in relation to the Act and copies can be obtained from the website of the Department for Environment, Food and Rural Affairs at www.gov.uk/defra or from the Department for Environment, Food and Rural Affairs at 2 Marsham Steet, London, SW1P 4DF, United Kingdom.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Environment Act 2021 (c. 30) have been brought into force by commencement regulations and orders made before the date of these Regulations:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 7	24th January 2022	S.I. 2022/48 (C. 2)
Sections 8 to 15	24th January 2022	S.I. 2022/48 (C. 2)
Section 16	24th January 2022	S.I. 2022/48 (C. 2)
Sections 17 and 18	10th May 2022	S.I. 2022/518 (C. 21)
Section 19	10th May 2022 (partially) 1st November 2023 (for all remaining purposes)	S.I. 2022/518 (C. 21) S.I. 2023/381 (C. 18)
Section 20	10th May 2022	S.I. 2022/518 (C. 21)
Section 21	1st April 2022	S.I. 2022/48 (C. 2)
Sections 22 to 24	17th November 2021	S.I. 2021/1274 (C. 72)
Section 25	24th January 2022	S.I. 2022/48 (C. 2)
Section 26	17th November 2021	S.I. 2021/1274 (C. 72)
Section 27	24th January 2022	S.I. 2022/48 (C. 2)
Sections 28 to 30	24th January 2022	S.I. 2022/48 (C. 2)
Sections 31 to 41	24th January 2022	S.I. 2022/48 (C. 2)
Sections 42 and 43	24th January 2022	S.I. 2022/48 (C. 2)
Sections 44 to 47	17th November 2021	S.I. 2021/1274 (C. 72)
Section 48	25th July 2022	S.R. 2022 No.54 (C. 5)
Section 49	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 50	24th January 2022 (partially) 28th February 2022 (partially) 7th March 2022 (partially) 9th November 2022 (for all remaining purposes)	S.I. 2022/48 (C. 2) S.R. 2022 No.54 (C. 5) S.I. 2022 No. 223 (W. 71) (C. 10) S.S.I. 2022/305 (C. 18)
Section 51	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 52	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 53	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 54	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 55	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 56	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 59	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 60	24th January 2022 (partially)	S.I. 2022/48 (C. 2)

	7th March 2022 (for all remaining purposes)	S.I. 2022 No. 223 (W. 71) (C. 10)
Section 61	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 62	24th January 2022	S.I. 2022/48 (C. 2)
Section 64	24th January 2022 (partially)	S.I. 2022/48 (C. 2)
	7th March 2022 (partially)	S.I. 2022 No. 223 (W. 71) (C. 10)
	9th November 2022 (partially)	S.S.I. 2022/305 (C. 18)
Section 65	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 67	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 68	1st April 2023 (partially)	S.I. 2023/381 (C. 18)
Section 69	1st April 2023 (partially)	S.I. 2023/381 (C. 18)
Section 71	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 72	1st May 2022	S.I. 2022/48 (C. 2)
Section 73	1st May 2022 (partially)	S.I. 2022/48 (C. 2)
Section 82	3rd November 2023 (partially)	S.I. 2023/1170 (C. 77)
Section 85	10th May 2022 (partially)	S.I. 2022/518 (C. 21)
Section 86	24th January 2022	S.I. 2022/48 (C. 2)
Section 87	10th May 2022 (partially)	S.I. 2022/518 (C. 21)
Section 89	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Section 91	28th February 2022	S.R. 2022 No.54 (C. 5)
Section 94	29th September 2022	S.I. 2022/988 (C. 75)
Section 96	29th September 2022 (partially)	S.I. 2022/988 (C. 75)
Section 98	3rd November 2023 (partially)	S.I. 2023/1170 (C. 77)
	12th February 2024 (partially)	S.I. 2024/44 (C. 4)
Section 100	3rd November 2023 (partially)	S.I. 2023/1170 (C. 77)
	12th February 2024 (for all remaining purposes)	S.I. 2024/44 (C. 4)
Section 101	12th February 2024	S.I. 2024/44 (C. 4)
Sections 102 and 103	1st January 2023	S.I. 2022/1266 (C. 100)
Sections 104 to 108	24th January 2022	S.I. 2022/48 (C. 2)
Section 109	30th September 2022	S.I. 2022/518 (C. 21)
Section 110	24th January 2022	S.I. 2022/48 (C. 2)
Section 111	30th September 2022	S.I. 2022/518 (C. 21)
Sections 112 and 113	24th January 2022	S.I. 2022/48 (C. 2)
Section 114	1st January 2023	S.I. 2022/1266 (C. 100)
Section 115	30th November 2023	S.I. 2023/1170 (C. 77)
Section 116	30th September 2022 (partially)	S.I. 2022/518 (C. 21)
Part 7	30th September 2022	S.I. 2022/48 (C. 2)
Section 140	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 1	17th November 2021	S.I. 2021/1274 (C. 72)
Schedule 2	25th July 2022 (partially)	S.R. 2022 No.54 (C. 5)
Schedule 3	28th February 2022	S.R. 2022 No.54 (C. 5)
Schedule 4	24th January 2022 (partially)	S.I. 2022/48 (C. 2)
	28th February 2022 (partially)	S.R. 2022 No.54 (C. 5)
	7th March 2022 (partially)	S.I. 2022 No. 223 (W. 71) (C. 10)
	9th November 2022 (for all remaining purposes)	S.S.I. 2022/305 (C. 18)
Schedule 5	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)

	remaining purposes)	
Schedule 6	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 7	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 8	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 9	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)
Schedule 11	1st May 2022	S.I. 2022/48 (C. 2)
Schedule 12, Part 1	1st May 2022	S.I. 2022/48 (C. 2)
Schedule 12, Part 3	1st May 2022	S.I. 2022/48 (C. 2)
Schedule 13	24th January 2022	S.I. 2022/48 (C. 2)
Schedule 14	3rd November 2023 (partially)	S.I. 2023/1170 (C. 77)
	12th February 2024 (partially)	S.I. 2024/44 (C. 4)
Schedule 16	1st January 2023	S.I. 2022/1266 (C. 100)
Schedule 17	30th September 2022 (partially)	S.I. 2022/518 (C. 21)
Schedule 18	30th September 2022	S.I. 2022/48 (C. 2)
Schedule 19	30th September 2022	S.I. 2022/48 (C. 2)
Schedule 20	30th September 2022	S.I. 2022/48 (C. 2)
Schedule 21	28th February 2022 (for all remaining purposes)	S.R. 2022 No.54 (C. 5)

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