
WELSH STATUTORY INSTRUMENTS

2011 No. 1014

The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011

PART 2

Monitoring

Monitoring authority

3.—(1) [^{F1}The Natural Resources Body for Wales] is the monitoring authority for the purposes of the targets.

(2) The monitoring authority must—

- (a) monitor the performance of local authorities with respect to the targets;
- (b) monitor the performance of local authorities in complying with their obligations under these Regulations;
- (c) in accordance with regulation 7, validate the information that is entered by local authorities on the WasteDataFlow system; and
- (d) without delay notify the Welsh Ministers, in writing, of any case where it appears to the monitoring authority that a local authority⁽¹⁾ is or may be liable to a penalty under section 3(7) of the Measure or under these Regulations.

Textual Amendments

F1 Words in [reg. 3\(1\)](#) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 5 para. 71](#) (with [Sch. 7](#))

Commencement Information

I1 Reg. 3 in force at 30.3.2011, see [reg. 1](#)

Obligation for local authorities to collect information and maintain records

4.—(1) A local authority must make arrangements for the collection of information that will allow the authority to comply with its requirements to maintain records under this regulation.

(2) A local authority must maintain records containing the following information for each target financial year and each subsequent financial year until the next target financial year⁽²⁾—

(1) A local authority is defined in section 17(1) of the Waste (Wales) Measure 2010 as a county or county borough council in Wales.

(2) The target financial years are set out in section 3(3) of the Measure. Financial year is defined in section 3(9) of the Measure as meaning a period of 12 months ending on 31 March.

- (a) the total amount of its municipal waste⁽³⁾;
 - (b) the total amount of municipal waste sent to each and every waste facility by the local authority;
 - (c) the amount of material rejected at each successive stage of sorting of the municipal waste, at any and all waste facilities; and
 - (d) the amount of material rejected under paragraph (c) that is disposed of by the local authority, or by a waste facility.
- (3) The record must contain details of—
- (a) the description of the waste in terms of its material type;
 - (b) how each material type was collected; and
 - (c) if an agent of the local authority collected the waste, the name of that agent.
- (4) The records must be kept for a period of three years beginning on the day they are first submitted using the WasteDataFlow system in accordance with regulation 5(2).
- (5) A local authority may maintain the records required by paragraph (2) in electronic form if the text is capable of being produced by the local authority in a visible and legible documentary form.
- (6) A local authority that fails to maintain the records required by paragraph (2) is liable to a penalty.
- (7) In this regulation, “sorting” means the act of separating individual recyclable materials from an amount of mixed waste or mixed materials.
- (8) In this regulation, municipal waste is “disposed of” when it undergoes a disposal operation of a type that is identified in Annex I of the Waste Framework Directive.

Commencement Information

I2 Reg. 4 in force at 30.3.2011, see [reg. 1](#)

Obligation for local authorities to provide information

- 5.**—(1) During each target financial year and each subsequent financial year until the next target financial year, a local authority must submit to the monitoring authority returns containing all the information listed in regulations 4(2) and (3) (“the information”).
- (2) Each return must—
- (a) contain the information for the relevant 3 month period;
 - (b) be made within one calendar month of the end of the relevant 3 month period; and
 - (c) be submitted using the WasteDataFlow system.
- (3) The relevant 3 months periods are—
- (a) 1 April to 30 June;
 - (b) 1 July to 30 September;
 - (c) 1 October to 31 December;
 - (d) 1 January to 31 March.

(3) A local authority’s municipal waste is defined in section 3(8) of the Measure as the total amount by weight of each of the following: all the waste collected in that year by a local authority under section 45 of the Environmental Protection Act 1990 (c. 43); all waste deposited in that year at places provided by a local authority under subsections (1)(b) and (3) of section 51 of that Act; and such other waste as may be specified by order of the Welsh Ministers.

(4) A local authority that fails to submit a return in accordance with this regulation is liable to a penalty.

Commencement Information

I3 Reg. 5 in force at 30.3.2011, see [reg. 1](#)

Power to require information

6.—(1) The Welsh Ministers, or the monitoring authority, may by notice served on a local authority, require that authority to—

- (a) produce for inspection, or for the removal for inspection elsewhere, any of the records that are required to be maintained under regulation 4;
- (b) supply information about or evidence as to matters connected with the local authority's obligation to meet the targets and its obligations under these Regulations;

(2) A local authority must comply with a notice served under paragraph (1) in the form and within such reasonable time as is specified in the notice.

(3) Any notice served under this regulation must be in writing.

(4) A local authority that fails to comply with the requirements of a notice is liable to a penalty.

Commencement Information

I4 Reg. 6 in force at 30.3.2011, see [reg. 1](#)

Validation by the monitoring authority

7.—(1) Within three months of the date required of a local authority to have submitted a return under regulation 5(2)(b), the monitoring authority must complete a validation of the information submitted by the local authority on the WasteDataFlow system.

(2) If a local authority fails to submit a return in accordance with the timescale specified in regulation 5(2)(b), the monitoring authority must complete a validation of the information submitted by the local authority on the WasteDataFlow system within three months of the date on which the return is submitted.

(3) In this regulation “validation” means—

- (a) a check that all local authorities have submitted data in accordance with their obligation to provide information under regulation 5; and
- (b) a reconciliation of any inaccurate or inconsistent data that has been submitted.

Commencement Information

I5 Reg. 7 in force at 30.3.2011, see [reg. 1](#)

Assessment of compliance with the targets

8.—(1) Within five calendar months of the end of each target financial year, and each subsequent financial year until the next target financial year, the monitoring authority must provide to the Welsh Ministers—

Changes to legislation: There are currently no known outstanding effects for the The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011, PART 2. (See end of Document for details)

- (a) its monitoring information; and
 - (b) a report containing the information set out in paragraph (3).
- (2) The monitoring information and the report must contain information covering the last financial year.
- (3) The report must contain the following information—
- (a) the total amount of municipal waste arising for each local authority;
 - (b) the total amount of municipal waste validated by the monitoring authority that has been recycled, prepared for re-use, and composted;
 - (c) the recycling, preparation for re-use and composting rates for each local authority;
 - (d) the difference between the target amount for recycling, preparation for re-use and composting rates and the actual rate achieved by each local authority; and
 - (e) the difference between the target amount for recycling, preparation for re-use and composting rates and the actual rate achieved by all the local authorities, taken as a whole.
- (4) In this regulation “monitoring information” means the information or evidence acquired by the monitoring authority in carrying out its functions under regulation 3(2).

Commencement Information

16 Reg. 8 in force at 30.3.2011, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011, PART 2.