
WELSH STATUTORY INSTRUMENTS

2022 No. 223 (W. 71) (C. 10)

ENVIRONMENTAL PROTECTION, WALES

The Environment Act 2021 (Commencement No. 1
and Saving Provision) (Wales) Regulations 2022

Made - - - - 4 March 2022

The Welsh Ministers make the following Regulations in exercise of the power conferred by sections 147(4) and 148(2) of the Environment Act 2021⁽¹⁾.

Title and interpretation

1.—(1) The title of these Regulations is the Environment Act 2021 (Commencement No. 1 and Saving Provision) (Wales) Regulations 2022.

(2) In these Regulations, “the Act” means the Environment Act 2021.

Provisions coming into force on 7 March 2022

2. The following provisions of the Act come into force on 7 March 2022—

- (a) section 50 (producer responsibility obligations), so far as relating to Wales;
- (b) section 60 (hazardous waste: England and Wales), so far as relating to Wales;
- (c) section 64 (charging powers), so far as relating to the Natural Resources Body for Wales;
- (d) Schedule 4 (producer responsibility obligations), so far as relating to Wales.

Saving provision

3. Notwithstanding the coming into force of section 50(6) of the Act by virtue of regulation 2(a), which repeals sections 93 to 95 of the Environment Act 1995 as regards Wales, the Producer Responsibility Obligations (Packaging Waste) Regulations 2007⁽²⁾ remain in force and have effect as if made under Schedules 4 and 6 to the Environment Act 2021 in so far as they apply to Wales.

(1) 2021 c. 30

(2) S.I. 2007/871 amended by S.I. 2007/3538, 2008/1941, 2010/1159, 2849, 2011/226, 988, 1043, 2012/3082, 2013/755, 182, 1857, 2016/241,696, 738, 1146, 1154, 2018/721, 2019/188, 2020/904, 1540.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4 March 2022

Lee Waters
Deputy Minister for Climate Change under
authority of the Minister for Climate Change,
one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Environment Act 2021 (c. 30) (“the Act”). These are the first commencement regulations made by the Welsh Ministers under the Act.

Regulation 2 brings into force on 7 March 2022 specified sections of the Act. Section 50 and Schedule 4 are commenced so far as they relate to Wales and provide for the Welsh Ministers to make regulations about producer responsibility obligations and the enforcement of those regulations. Section 60 is commenced so far as relating to Wales and amends the Environmental Protection Act 1990 (c. 43) to include powers to make regulations on hazardous waste and makes minor amendments to the Environment Act 1995 (c. 25) relating to hazardous waste. Section 64 amends the Environment Act 1995 in so far as it applies to the Natural Resources Body for Wales to supplement existing charging powers.

Regulation 3 contains a saving provision for the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (S.I. 2007/871), which were principally made under sections 93 to 95 of the Environment Act 1995, which are repealed by section 50(6) of the Act. It provides for the Regulations to remain in force in relation to Wales despite the repeal of their enabling power, and to have effect as if made under Schedules 4 and 6 to the Act.