



Environment (Wales) Act 2016

2016 anaw 3

PART 4

COLLECTION AND DISPOSAL OF WASTE

Separate collection etc. of waste

65 Requirements relating to separate collection etc. of waste

In the [Environmental Protection Act 1990 \(c. 43\)](#), after section 45A insert—

“45AA Wales: separate collection etc. of waste

- (1) Where a waste collection authority in Wales arranges for the collection of controlled waste in its area under section 45, it must arrange for the waste to be collected in accordance with any applicable separation requirements.
- (2) A person acting in the course of a business who—
 - (a) collects controlled waste from premises in Wales, or
 - (b) receives, keeps, treats or transports controlled waste in Wales,must do so in accordance with any applicable separation requirements.
- (3) For the purposes of subsection (2), a person is acting in the course of a business if the person is—
 - (a) carrying on any business or undertaking, whether for profit or not, or
 - (b) exercising any functions of a public nature.
- (4) An occupier of premises in Wales who presents controlled waste for collection (whether by a waste collection authority or by any other person) must do so in accordance with any applicable separation requirements.
- (5) Subsection (4) does not apply to an occupier of premises within paragraph (a) or (b) of section 75(5) (domestic property and caravans).

Status: This is the original version (as it was originally enacted).

- (6) A separation requirement is a requirement to take steps specified in regulations made by the Welsh Ministers for the purpose of ensuring or maintaining the separation of one or more types of waste from other types of waste or from other substances or articles.
- (7) A separation requirement is applicable in the circumstances specified in relation to that requirement in regulations made by the Welsh Ministers.
- (8) A person commits an offence if the person fails without reasonable excuse to comply with subsection (2) or (4).
- (9) A person who commits an offence under subsection (8) is liable on summary conviction, or on conviction on indictment, to a fine.
- (10) The Welsh Ministers may by regulations make provision (which may include provision amending this section)—
 - (a) for subsection (1) or (2) to apply subject to exceptions;
 - (b) for subsection (4) to apply subject to exceptions in addition to those in subsection (5).
- (11) Regulations under this section may make different provision for different purposes, different cases (including different persons, premises or types of waste) and different areas.

45AB Code of practice

- (1) The Welsh Ministers may issue one or more codes of practice for the purpose of giving practical guidance about how to comply with requirements imposed by or under section 45AA.
- (2) The Welsh Ministers may revoke or revise a code of practice issued under this section.
- (3) Before issuing a code of practice (or revised code), the Welsh Ministers must consult such persons as they think appropriate.
- (4) Where the Welsh Ministers issue a code of practice (or revised code) they must—
 - (a) publish the code, and
 - (b) lay a copy before the National Assembly for Wales.
- (5) A code of practice issued under this section is admissible in evidence in any proceedings and must be taken into account by a court in determining any question to which it appears to the court to be relevant.”