



# Waste (Wales) Measure 2010

## 2010 nawm 8

### *Waste targets*

#### **3 Recycling, preparation for re-use and composting targets**

- (1) The recycling, preparation for re-use and composting targets are specified in subsections (2) and (3).
- (2) A local authority must secure the recovery, by means of any of the operations specified in subsection (5), of at least the target amount of its municipal waste from—
  - (a) each target financial year, and
  - (b) each subsequent financial year until the next target financial year.
- (3) In the following table—
  - (a) column 1 specifies the target amount for a target financial year (and the financial years falling within subsection (2)(b)), and
  - (b) column 2 specifies the target financial year to which the target amount in the corresponding entry in column 1 applies.

TABLE

<b>Target amount</b>	<b>Target financial year</b>
52%	2012/13
58%	2015/16
64%	2019/20
70%	2024/25

- (4) The Welsh Ministers may amend this table by order.
- (5) The operations referred to in subsection (2) are—
  - (a) recycling;
  - (b) preparation for re-use;

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- (c) composting (including any other form of transformation by biological processes).
- (6) The Welsh Ministers may make provision by order for establishing whether waste is recycled, prepared for re-use, or composted for the purposes of the targets under this section.
- (7) A local authority that does not meet a recycling, preparation for re-use and composting target is liable to a penalty to be paid to the Welsh Ministers.
- (8) For the purposes of this section, a local authority's municipal waste from a target financial year is the total amount by weight of each of the following–
  - (a) all waste collected in that year by a local authority under section 45 of the Environmental Protection Act 1990;
  - (b) 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;
  - (c) such other waste as may be specified by order of the Welsh Ministers.
- (9) In this section, “financial year” means a period of 12 months ending on 31 March.

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**Commencement Information**

**II** [S. 3](#) in force at 4.3.2011 by [S.I. 2011/476](#), [art. 2](#)

**4 Regulations to set waste targets**

- (1) The Welsh Ministers may by regulations–
  - (a) specify waste targets to be met by a local authority in exercising its functions;
  - (b) specify indicators by reference to which a local authority's achievement of targets under paragraph (a) can be measured;
  - (c) impose liability on a local authority to pay a penalty to the Welsh Ministers if a target under paragraph (a) is not met.
- (2) For the purposes of subsection (1)(a), “waste targets” are targets relating to preventing, reducing, collecting, managing, treating or disposing of waste.

**5 Monitoring and auditing compliance with targets**

- (1) The Welsh Ministers may make provision by regulations–
  - (a) about how compliance with any relevant target is to be assessed;
  - (b) about arrangements for monitoring and auditing compliance with any relevant target;
  - (c) conferring powers of entry and inspection in connection with such monitoring and auditing for persons authorised by the Welsh Ministers;
  - (d) requiring the maintenance of records by a local authority in connection with relevant targets;
  - (e) requiring the provision of information by a local authority to specified persons in a specified form or manner in connection with relevant targets;
  - (f) requiring the publication of information in connection with relevant targets;
  - (g) imposing liability on a local authority to pay a penalty if it fails to comply with a requirement in regulations under any of paragraphs (b) to (f).

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- (2) In this section, “relevant targets” are—
- (a) the recycling, preparation for re-use and composting targets under section 3;
  - (b) any waste targets under section 4(1)(a).

## **6 Regulations about penalties**

- (1) This section applies to penalties under section 3(7), section 4(1)(c) and section 5(1)(g).
- (2) The Welsh Ministers may by regulations—
- (a) specify the amounts of penalties or rules for calculating their amounts;
  - (b) make provision as to when payments in respect of penalties are due;
  - (c) make provision for interest where payments in respect of penalties are due but unmade;
  - (d) make provision for recovering or setting off, and securing, unpaid amounts in respect of penalties and interest;
  - (e) make provision about waiver of penalties.

## **7 Guidance**

In exercising its functions under sections 3 to 6 a local authority must have regard to guidance given from time to time by the Welsh Ministers.

## **8 Consultation**

- (1) Before making an order or regulations under section 3 or regulations under sections 4, 5 or 6, or giving guidance under section 7, the Welsh Ministers must consult the following—
- (a) [<sup>F1</sup>the Natural Resources Body for Wales];
  - (b) each local authority;
  - (c) such other persons as the Welsh Ministers consider appropriate.
- (2) For the purposes of subsection (1), consultation undertaken before the passing of this Measure has effect as if undertaken after that passing.

### **Textual Amendments**

- F1** Words in s. 8(1)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 3 para. 2](#) (with Sch. 7)

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