

WASTE (WALES) MEASURE 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3 – Recycling, preparation for re-use and composting targets

25. **Section 3** sets targets for local authorities in respect of the recycling, preparation for re-use and composting of municipal waste and makes authorities that do not meet the targets liable to a financial penalty. The local authorities referred to in this section are county councils and county borough councils in Wales (see the definitions in section 17).
26. Subsection (2) requires local authorities to secure the recovery (by recycling, preparation for re-use or composting operations), of at least the target amount of its municipal waste in each target financial year. It also requires local authorities to meet the target amount in all subsequent financial years until the next target financial year is reached, at which point a new target amount will apply. The table in subsection (3) specifies the targets years and the target amounts for each of them. Subsection (4) enables the Welsh Ministers to amend this table by order. Any such order is subject to an affirmative resolution procedure in the National Assembly for Wales (section 20(2) and (3)).
27. For the purposes of the target, “composting” includes any other form of transformation by biological processes (subsection (5)). The Welsh Ministers may also make further provision by order, setting out how to establish whether waste is recycled, prepared for re-use or composted for the purposes of the targets. Such orders are subject to a negative resolution procedure in the National Assembly for Wales (see section 20(1)).
28. If a local authority does not meet a recycling, preparation for re-use or composting target, liability to a penalty arises under subsection (7). Penalties are to be paid to the Welsh Ministers. Further provision is made about penalties in section 6 (see the relevant explanatory notes below).
29. Subsection (8) explains what is meant by a local authority’s municipal waste from a target financial year. It is the total amount by weight of the following—
 - all the waste the authority collects in that year in its capacity as a waste collection authority under section 45 of the [Environmental Protection Act 1990 \(c. 43\)](#) (“the 1990 Act”) (this includes virtually all household waste; commercial waste from premises where the occupier of those premises has requested collection; and industrial waste from premises where the occupier of the premises has made a request for collection by the authority and the authority is content to collect it);
 - all the waste deposited with the authority at the places it provides for that purpose in its capacity as a waste disposal authority under subsections (1)(b) and (3) of section 51 - e.g. places badged as “civic amenity sites” or “recycling centres”(these places must be provided for persons resident in its area to deposit their household waste and the authority may make them available for the deposit of household, commercial or industrial waste by other persons); and

These notes refer to the Waste (Wales) Measure 2010 (c.8)

- such other waste as may be specified by the Welsh Ministers by order (these orders are subject to a negative resolution procedure (see section 20(1))).