



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

[^{F1}45AZB] England: separate collection of industrial or commercial waste

- (1) This section applies in relation to arrangements for industrial or commercial waste to be collected from premises in England by a person who, in collecting the waste—
 - (a) is acting in the course of a business (whether or not for profit), or
 - (b) is exercising a public function (including a function under section 45(1)(b) or (2)).
- (2) So far as they relate to waste which is similar in nature and composition to household waste (“relevant waste”) the arrangements must meet the conditions in subsections (3) to (7).

This is subject to any provision in regulations under section [45AZC](#).

- (3) The first condition is that recyclable relevant waste must be collected separately from other relevant waste.
- (4) The second condition is that recyclable relevant waste must be collected for recycling or composting.
- (5) The third condition is that recyclable relevant waste in each recyclable waste stream must be collected separately, except so far as provided by subsection (6).
- (6) Recyclable relevant waste in two or more recyclable waste streams may be collected together where—
 - (a) it is not technically or economically practicable to collect recyclable relevant waste in those recyclable waste streams separately, or

Changes to legislation: Environmental Protection Act 1990, Section 45AZB is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) collecting recyclable relevant waste in those recyclable waste streams separately has no significant environmental benefit (having regard to the overall environmental impact of collecting it separately and of collecting it together).
- (7) But recyclable relevant waste within subsection (10)(a) to (d) may not be collected together with recyclable relevant waste within subsection (10)(e).
- (8) The person who presents relevant waste from the premises for collection under the arrangements must present it separated in accordance with the arrangements.
- This subsection does not apply so far as the person is subject to an equivalent duty by virtue of a notice under section 47.
- (9) Relevant waste is “recyclable relevant waste” if—
- (a) it is within any of the recyclable waste streams, and
 - (b) it is of a description specified in regulations made by the Secretary of State.
- (10) For the purposes of this section the “recyclable waste streams” are—
- (a) glass;
 - (b) metal;
 - (c) plastic;
 - (d) paper and card;
 - (e) food waste.]

Textual Amendments

- F1** Ss. 45A-45AZG substituted for s. 45A (17.5.2024) by [Environment Act 2021 \(c. 30\)](#), **ss. 57(4)**, 147(3) (with s. 144); [S.I. 2024/639](#), **reg. 2(a)** (with regs. 5, 6, 7, Sch.)

Modifications etc. (not altering text)

- C1** [S. 45AZB](#) modified (30.6.2024) by [The Separation of Waste \(England\) Regulations 2024 \(S.I. 2024/666\)](#), **regs. 1(2), 3(2)(4)**, **Sch. 1 Pts. 2-6**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)