



Environment Act 2021

2021 CHAPTER 30

PART 3

WASTE AND RESOURCE EFFICIENCY

Resource efficiency

54 Deposit schemes

- (1) Schedule 8 confers power on the relevant national authority to make regulations establishing deposit schemes.
- (2) In this section and that Schedule “the relevant national authority” means—
 - (a) in relation to a deposit scheme relating to the purchase of products in England, the Secretary of State;
 - (b) in relation to a deposit scheme relating to the purchase of products in Wales, the Welsh Ministers or the Secretary of State;
 - (c) in relation to a deposit scheme relating to the purchase of products in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland or the Secretary of State.
- (3) Regulations under Schedule 8—
 - (a) made by the Welsh Ministers, may contain only provision which, if contained in an Act of Senedd Cymru, would be within the legislative competence of the Senedd;
 - (b) made by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, may contain only provision which, if contained in an Act of the Northern Ireland Assembly, would be within the legislative competence of the Assembly and would not require the Secretary of State’s consent.
- (4) Regulations under Schedule 8 made by the Secretary of State may not contain provision that could be contained in regulations under that Schedule made by another relevant national authority, unless that authority consents.

Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Section 54. (See end of Document for details)

- (5) Regulations made by a relevant national authority under Schedule 8 are subject to the affirmative procedure if they—
- (a) are the first regulations under paragraph 1, or the first regulations under paragraph 5, made by the authority;
 - (b) provide for conduct to be a criminal offence which is not a criminal offence under existing regulations made by the authority under that Schedule;
 - (c) provide for conduct to be subject to a civil sanction (within the meaning given by paragraph 5(3) of that Schedule) which is not subject to a civil sanction under existing regulations made by the authority under that Schedule;
 - (d) increase the amount or maximum amount of a fine or monetary penalty, or change the basis on which such an amount or maximum is to be determined.
- (6) Otherwise, regulations under Schedule 8 are subject to the negative procedure.
- (7) In this section “deposit scheme” has the meaning it has in Schedule 8.

Commencement Information

I1 S. 54 in force at 9.1.2022 for E.W., see s. 147(2)(d)

I2 S. 54 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(f)

Changes to legislation:

There are currently no known outstanding effects for the Environment Act 2021, Section 54.