

**2004 No. 639**

**ENVIRONMENTAL PROTECTION, ENGLAND**

**The Environmental Protection (Waste Recycling Payments)  
(England) Regulations 2004**

<i>Made</i> - - - -	<i>8th March 2004</i>
<i>Laid before Parliament</i>	<i>9th March 2004</i>
<i>Coming into force</i> - -	<i>1st April 2004</i>

The Secretary of State, in exercise of the powers conferred upon her by section 52(8) of the Environmental Protection Act 1990(a) hereby makes the following Regulations:

**Title, commencement and extent**

- 1.—(1) These Regulations may be cited as the Environmental Protection (Waste Recycling Payments) (England) Regulations 2004 and shall come into force on 1st April 2004.
- (2) These Regulations apply to England.

**Interpretation**

2. In these Regulations—
- “the 1990 Act” means the Environmental Protection Act 1990; and
- “transport costs” includes any contribution made by a waste disposal authority to a collection authority under section 52(10) of the 1990 Act.

**Determination of a waste disposal authority’s net saving of expenditure**

- 3.—(1) A waste disposal authority’s net saving of expenditure for the purposes of section 52(1) or (3) of the 1990 Act in relation to waste which is retained or collected for recycling shall be determined in accordance with the following provisions of this regulation.
- (2) The authority’s net saving of expenditure shall be an amount equal to the expenditure which it would have incurred in disposing of the waste at a cost per tonne equal to its average cost per tonne at the relevant time of disposing of similar waste using its most expensive disposal method for waste collected in the relevant area.
- (3) In paragraph (2) above, “the relevant area” means the waste collection authority area in which the waste in question is collected or, where the waste in question is collected by a person other than a waste collection authority in the area of more than one waste collection authority and it is not reasonably practicable for that person to determine how much of that waste was collected in each such area, the area consisting of the areas of all those waste collection authorities.

---

(a) 1990 c.43. The Secretary of State can exercise these powers only in relation to England: see article 2 of, and the entry relating to the 1990 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 53 of the Scotland Act 1998 (c.46).

(4) In determining its average cost per tonne of disposing of similar waste, the authority shall take into account—

- (a) the market value at the relevant time of any of its assets (including land) used in connection with disposal of that waste;
- (b) any expenditure incurred by the authority in operating any site or transfer station used in connection with the disposal of that waste;
- (c) any transport costs incurred by the authority in relation to that waste;
- (d) any expenditure which will be incurred in closing, restoring and subsequently maintaining any site belonging to the authority which is used for the disposal of that waste; and
- (e) any other expenditure incurred by the authority in relation to that waste.

(5) No account shall be taken of expenditure incurred by the authority in determining the amount of, or in making, any payment under section 52(1) or (3) of the 1990 Act.

(6) If a determination cannot be made under paragraph (2) because sufficient accurate information is not available or could only be obtained at a disproportionate cost, the authority's net saving of expenditure shall be determined by reference to the relevant figure shown in the Schedule to these Regulations.

### **Revocations**

4. The following Regulations are revoked insofar as they apply to England—

- (a) the Environmental Protection (Waste Recycling Payments) Regulations 1992(a);
- (b) the Environmental Protection (Waste Recycling Payments) (Amendment) Regulations 1994(b); and
- (c) the Environmental Protection (Waste Recycling Payments) (Amendment) (England) Regulations 2003(c).

8th March 2004

*Elliot Morley*  
Minister of State  
Department for Environment, Food and Rural Affairs

---

(a) S.I. 1992/462, as amended by S.I. 1994/522; this instrument was revoked in relation to Scotland by S.S.I. 2000/185. The Schedule to S.I. 1992/462 was last substituted in relation to England by S.I. 2003/596.

(b) S.I. 1994/522, of which regulation 2(3) was revoked by S.I. 1997/351; this instrument was revoked in relation to Scotland by S.S.I. 2000/185.

(c) S.I. 2003/596.

## SCHEDULE

Regulation 3(6)

### *REPRESENTATIVE SAVINGS IN WASTE DISPOSAL COSTS*

<i>Type of waste disposal authority</i>	<i>Saving in waste disposal costs per tonne</i>
<p>A London waste disposal authority for an area which includes an inner London borough.</p> <p>The council of an inner London borough.</p> <p>The Common Council of the City of London.</p>	£59.65
<p>A London Waste disposal authority which comprises outer London boroughs.</p> <p>The council of an outer London borough.</p>	£52.87
<p>The Greater Manchester Waste Disposal Authority.</p> <p>The Merseyside Waste Disposal Authority.</p> <p>The council of a metropolitan district.</p>	£44.78
<p>Any other waste disposal authority.</p>	£36.65 where the authority incurs any transport costs in disposing of similar wastes, and £27.18 in other cases

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 52 of the Environmental Protection Act 1990 encourages the recycling of waste by making provision for payments to be made by waste disposal authorities in connection with the recycling of waste. Section 52(1) requires waste disposal authorities to pay waste collection authorities amounts representing their net savings on the disposal of waste retained by the collection authorities for recycling. Section 52(3) of that Act confers a power on waste disposal authorities to pay persons other than waste collection authorities equivalent amounts for waste collected by them for recycling.

These Regulations discharge the Secretary of State's duty to make provision for the determination of a waste disposal authority's net saving of expenditure for the purposes of section 52(1) or (3) of that Act in relation to such waste (the corresponding duty in relation to section 52(2), (4) and (5) has not yet been commenced).

These Regulations revoke and replace the Environmental Protection (Waste Recycling Payments) Regulations 1992 (S.I. 1992/462, as amended) in relation to England.

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E0367 3/2004 140367T 19585

ISBN 0-11-048854-7



9 780110 488547