
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend, in relation to England, the Controlled Waste (England and Wales) Regulations 2012 (S.I. 2012/811) (“the 2012 Regulations”), in order to correct an error in the implementation of policy relating to the exemption of certain small businesses from any new liability to pay charges for the disposal of waste under section 45(4) of the Environmental Protection Act 1990 (c. 43) (“the EPA 1990”) arising as a result of the 2012 Regulations.

Regulation 4 of the 2012 Regulations (which gives effect to Schedule 1 to those Regulations) provides for the classification of certain waste as household, commercial or industrial waste. Paragraph 4(3) of that Schedule provides that certain categories of household waste are to be treated as commercial waste for the purposes of liability to pay charges relating to the disposal of waste under section 45(4) of the EPA 1990.

In order to ensure the correct implementation of policy, these Regulations amend the 2012 Regulations to provide that nothing in regulation 4 has the effect of making a person liable to pay a disposal charge under section 45(4) of the EPA 1990 if two conditions are met. A similarly worded exemption in paragraph 4(5) of Schedule 1 expressed to apply only in relation to paragraph 4(3) is omitted.

A full impact assessment of the effect that the 2012 Regulations will have on the costs of business, the voluntary sector and the public sector was prepared in relation to those Regulations, and no further impact assessment has been prepared for these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Controlled Waste (England and Wales) (Amendment) Regulations 2012.