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## EXPLANATORY NOTE

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

These Regulations are the ninth commencement regulations made by the Secretary of State under the Environment Act 2021 (c.30) (“the Act”).

Regulation 2 brings into force on 17th May 2024 specified sections of the Act.

Section 57 of the Act amends the Environmental Protection Act 1990 (c. 43) (“the 1990 Act”) and the Environment Act 1995 (c. 25) (“the 1995 Act”). Subsection (4) substitutes new sections 45A to 45AZG for section 45A of the 1990 Act to introduce new requirements in England for the separate collection of household waste from domestic and relevant non-domestic premises, and of relevant waste. Subsections (5) and (6) amend sections 46(2) (receptacles for household waste) and 47(3) (receptacles for commercial or industrial waste) of the 1990 Act to enable English waste collection authorities to require the use of appropriate receptacles for the purposes of complying with the new duties under sections 45A to 45AZB of the 1990 Act. Subsection (8) amends the 1995 Act to enable the Environment Agency to make a charging scheme in relation to performing its functions relating to sections 45A to 45AZB of the 1990 Act.

Sections 74 to 77 of the Act provide for the Secretary of State to make regulations providing for the recall of relevant products, including motor vehicles, that do not meet relevant environmental standards.

Section 81 is commenced for the limited purpose of enabling regulations to be made under section 141DA into the Water Industry Act 1991 (c.56) (“the 1991 Act”).

Section 82(2), which is already partially commenced, makes consequential amendments to section 213 of the 1991 Act to include a reference to the regulation making powers of new sections 141DA and 141DB.

Regulation 3 brings into force section 79 of the Act on 1st September 2024 so far as relating to undertakers whose areas are wholly or mainly in England. Section 79 inserts new sections 94A to 94E into the 1991 Act, to introduce new requirements on sewerage undertakers to prepare, publish and maintain drainage and sewerage management plans.

Regulation 4 brings into force section 81 of the Act on 1st January 2025, for all remaining purposes. Section 81 inserts new section 141DA into the 1991 Act to establish a legal requirement for sewerage undertakers wholly or mainly in England to report in near real time on when a discharge starts and stops.

Regulation 5 makes transitional provision in connection with the commencement of section 57 of the Act in order to provide, in certain cases, an extended period for duty holders to comply with the new duties. In the meantime, English waste collection authorities must continue to comply with the requirements in section 45A(2) of the 1990 Act as it applied immediately before the coming into force of section 57 of the Act.

Regulations 6 and 7 make further transitional provisions in relation to the areas serviced by the English waste collection authorities that are specified in the first column of the Table in the Schedule. The duty holders in those areas have until the date specified for each authority in the corresponding entry in the second column of the Table in the Schedule to introduce separate food waste collections for domestic and relevant non-domestic premises. This is in order to account for existing long-term waste disposal contracts.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 6 also provides that the English waste collection authorities specified in the first column of the Table in the Schedule are not required to fully meet the condition in section 45A(3) of the 1990 Act until the date specified in the corresponding entry in the second column of the Table in the Schedule. The condition is that recyclable household waste must be collected separately from other household waste, in relation to the collection of garden waste, but only if the other household waste being collected with that garden waste is food waste.

An impact assessment has not been published for these Regulations as they have no impact on cost to business, the public or voluntary sectors independent of the provisions these Regulations bring into force. A full impact assessment has been published in relation to the Act and copies can be obtained from the website of the Department for Environment, Food and Rural Affairs at [www.gov.uk/defra](http://www.gov.uk/defra) or from the Department for Environment, Food and Rural Affairs at 2 Marsham Steet, London, SW1P 4DF, United Kingdom.