
EXPLANATORY NOTE

(This note is not part of the Order)

Section 3 of The Waste (Wales) Measure 2010 (“the Measure”) establishes statutory targets for the percentage of a local authority’s municipal waste which must be recycled, prepared for re-use and composted (“the targets”). The Measure imposes liability on a local authority to a financial penalty if it fails to meet a target.

These Regulations supplement the Measure, by making detailed provision for the monitoring and enforcement of the targets.

Part 2 of these Regulations concerns monitoring.

Regulation 3 appoints the Environment Agency as the monitoring authority for the targets.

Regulation 4 requires a local authority to collect information and to maintain records about municipal waste.

Regulation 5 requires a local authority to submit returns using the WasteDataFlow system, containing all the information it is required to collect and record under regulation 4.

Regulation 6 provides a power to the Welsh Ministers and the monitoring authority to, by notice, require further information from a local authority.

Regulation 7 requires the monitoring authority to validate the information supplied to it by local authorities.

Regulation 8 requires the monitoring authority to provide the information it has obtained in the course of exercising its functions under regulation 3 to the Welsh Ministers to allow them to assess compliance with the targets. It also requires the monitoring authority to prepare a report for the Welsh Ministers.

Part 3 of these Regulations concerns penalties.

Regulation 9 allows the Welsh Ministers to waive a penalty.

Regulation 10 sets the amount of financial penalty that a local authority is liable to if it does not comply with the obligation set out in section 3(2) of the Measure.

Regulation 11 sets the amount of financial penalty that a local authority is liable to if it fails to comply with requirements under these Regulations.

Regulation 12 makes general provision about penalties.

Changes to legislation:

There are currently no known outstanding effects for the The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011.