
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations insert a new section 34ZB into Part II (waste on land) of the Environmental Protection Act 1990 (c.43) (“the Act”).

Section 34(2A) of the Act sets out the duty of care that applies to occupiers of domestic property in relation to household waste produced at their property. That duty requires occupiers of domestic property in Wales to take all measures available to them as are reasonable in the circumstances to secure that any transfer made by the occupier of their household waste is only to a person that is authorised to accept it.

Section 34(6) of the Act provides that a failure to comply with the duty imposed by section 34(2A) is an offence.

The new section 34ZB confers a power on waste authorities in Wales to give a notice offering a person the opportunity of discharging any liability to conviction for the offence of failing to comply with the duty imposed by section 34(2A) by payment of a fixed penalty.

When issuing a notice, a Welsh authority may offer a discount for early payment of a fixed penalty.

A regulatory impact assessment in relation to Wales has been prepared on the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.