
WELSH STATUTORY INSTRUMENTS

2024 No. 400

The Packaging Waste (Data Collection and Reporting) (Wales) (Amendment) Regulations 2024

Substitution of regulation 7 (household packaging)

8. For regulation 7, substitute—

“Household packaging

7.—(1) In these Regulations, “household packaging” is primary packaging or shipment packaging which is not primary packaging or shipment packaging falling within paragraph (2).

(2) The following primary packaging or shipment packaging is not to be treated as household packaging—

- (a) packaging supplied to a business or public institution which is the final user of that packaging;
- (b) packaging for a product, where—
 - (i) the product is designed only for use by a business or public institution, and
 - (ii) the packaging for that product is not reasonably likely to be disposed of in a household bin or a public bin;
- (c) packaging imported into the United Kingdom by an importer and discarded in the United Kingdom by that importer.

(3) Packaging is not to be treated as falling within paragraph (2)(a) or (b) unless the producer supplying that packaging can provide evidence that—

- (a) in the case of paragraph (2)(a), the packaging is supplied to a business or a public institution which does not supply to any other person—
 - (i) the packaging, or
 - (ii) the product which the packaging contains in its packaged form;
- (b) in the case of paragraph (2)(b)—
 - (i) the product in question satisfies the requirement in paragraph (2)(b)(i), and
 - (ii) the packaging for that product satisfies the requirement in paragraph (2)(b)(ii).

(4) For the purposes of paragraph (2)(b), “packaging for a product” means—

- (a) packaging supplied with a product satisfying the conditions in paragraph (2)(b) (“a business product”), and
- (b) unfilled packaging made to be used with a business product, provided that the supplier of that packaging has evidence that the packaging will be used with a business product.

(5) For the purposes of paragraph (3)(a)(ii), a product is to be treated as being supplied in its packaged form unless all packaging is removed from the product before it is supplied to the final user of that product.

(6) For the purposes of this regulation and regulation 7A, the following institutions and persons are to be treated as public institutions—

- (a) a school, university, or other educational establishment;
- (b) a hospital or the practice of a general medical practitioner or dentist;
- (c) a nursing home or other residential home;
- (d) a government department;
- (e) a relevant authority;
- (f) a court or tribunal;
- (g) a person established or appointed by or under any enactment who discharges public functions;
- (h) a charity or other not for profit body;
- (i) a penal institution.

(7) In this regulation—

“dentist” (*“deintydd”*) means a person registered in the dentists register kept under section 14(1) of the Dentists Act 1984⁽¹⁾;

“general medical practitioner” (*“ymarferydd meddygol cyffredinol”*) means a person registered in the General Practitioner Register kept by the General Council under section 34C of the Medical Act 1983⁽²⁾;

“not for profit body” (*“corff nid-er-elw”*) means a body which, by virtue of its constitution or any enactment—

- (a) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or public purposes, and
- (b) is prohibited from directly or indirectly distributing among its members any part of its assets otherwise than for charitable or public purposes.

(8) In this regulation and in regulation 7A—

- (a) “household bin” means a receptacle designed to collect waste material from a household which is not a business or a public institution;
- (b) “public bin” means a receptacle—
 - (i) maintained by a relevant authority in a street or public place, and
 - (ii) designed to collect waste material.”

(1) 1984 c. 24; section 14(1) was amended by S.I. 2005/2011; there are other amending instruments, but none are relevant to these Regulations.

(2) 1983 c. 54. Section 34C was inserted by S.I. 2010/234, Schedule 1, paragraph 10.