Household Waste Recycling Act 2003

2003 CHAPTER 29

An Act to make further provision regarding the collection, composting and recycling of household waste; and for connected purposes. [30th October 2003]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Arrangements for separate collection of recyclable waste

After section 45 of the Environmental Protection Act 1990 (c. 43) there is inserted—

"**45A Arrangements for separate collection of recyclable waste**

(1) This section applies to any waste collection authority whose area is in England (an "English waste collection authority").

(2) Where an English waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority shall ensure that the arrangements it makes in relation to those premises include the arrangements mentioned in subsection (3) below, unless it is satisfied that (in that case)—

(a) the cost of doing so would be unreasonably high; or

(b) comparable alternative arrangements are available.

(3) The arrangements are arrangements for the collection of at least two types of recyclable waste together or individually separated from the rest of the household waste.

(4) The requirement in subsection (2) above shall apply from 31st December 2010.

(5) The Secretary of State may, if requested to do so by an English waste collection authority, direct the authority that subsection (4) above shall have effect in relation to that authority as if the date mentioned there were such later date as

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may be specified in the direction (being a date no later than 31st December 2015).

(6) In this section, "recyclable waste" means household waste which is capable of being recycled or composted."

2 Power to apply section 45A to Welsh waste collection authorities

After section 45A of the Environmental Protection Act 1990 (as inserted by section 1 of this Act) there is inserted—

"**45B Power to apply section 45A to Welsh waste collection authorities**

(1) The National Assembly for Wales may by order made by statutory instrument provide that section 45A above shall apply, subject to subsection (2) below, to all waste collection authorities whose areas are in Wales, as it applies to English waste collection authorities.

(2) Where the Assembly provides as mentioned in subsection (1) above, the reference to the Secretary of State in section 45A(5) above shall be read for these purposes as a reference to the National Assembly for Wales.

(3) Section 161(3) below (which relates to order-making powers) shall not apply to the making of an order under this section."

3 Recycling and composting: duty to report to Parliament

After section 47 of the Environmental Protection Act 1990 (c. 43) there is inserted—

"**47A Recycling and composting: duty to report to Parliament**

(1) Not later than 31st October 2004, the Secretary of State shall lay before each House of Parliament a report of the performance—

(a) of each English waste authority in meeting its recycling and composting standards (if any); and

(b) of each English waste collection authority towards meeting the requirement imposed by section 45A(2) above.

(2) In this section—

"English waste authority" means a waste collection authority or a waste disposal authority whose area is in England;

"English waste collection authority" means a waste collection authority whose area is in England; and

"recycling and composting standards" means, in relation to an English waste authority, such performance standards and performance indicators (if any) as may be specified for that authority in an order made under section 4 of the Local Government Act 1999 in connection with the recycling and composting of household waste."

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4 Minor amendment

In section 164 of the Environmental Protection Act 1990 (c. 43) (short title, commencement and extent), after subsection (4) there is inserted—

"(4A) Sections 45A, 45B and 47A do not extend to Scotland."

5 Short title, commencement and extent

(1) This Act may be cited as the Household Waste Recycling Act 2003.

(2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.

(3) This Act extends to England and Wales only.

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Changes and effects yet to be applied to :

– s. 2 omitted by 2016 anaw 3 Sch. 2 para. 15