

Government Response: *The Digital Waste Tracking (Wales) Regulations 2026* (“the Regulations”)

Technical Scrutiny point 1: The Welsh Government accepts the reporting point and will seek to amend the reference in regulation 2 to “regulation 9(2)(a)” prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 2: The Welsh Government accepts the reporting point and will seek to amend the reference in regulation 4(6) prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 3: The Welsh Government accepts that there is technically a difference between “ar gael cais” and “ar ôl cael cais”, there is precedent for translating “upon/on receiving...” as “ar ôl cael...”. Given the precedent and the context of regulation 9, the Welsh Government considers that the consequence of this difference is minimal. On this basis the Welsh Government does not propose to make an amendment to address this reporting point.

Technical Scrutiny point 4: The Welsh Government accepts the reporting point and will seek to amend the reference in paragraph 4 of Schedule 1 of the English text prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 5: The Welsh Government accepts the reporting point in relation to inconsistencies in the references to “must” in the Welsh text and “may” in the English text in paragraph 2 of Schedule 2 and will seek to amend the reference in the Welsh text as set out in the table below.

The wording of paragraph 4(1) of Schedule 2 has not been replicated in paragraph 12(1) of Schedule 2 (or vice versa), however, the Welsh Government considers that the drafting of paragraphs 4(1) and 12(2) of Schedule 2 is sufficiently clear, such that it is unlikely that the difference in drafting could affect the clarity of those enforcement scenarios. On this basis the Welsh Government does not consider that any amendment is required to address this reporting point.

Technical Scrutiny point 6: The provisions in Schedule 2 to the Regulations are drafted to require notices of intent to include only the grounds, proposed amount, and representation rights, while final notices must also include details on how payment is to be made.

A notice of intent does not need to include information on how to pay because it is only a proposal to impose a civil sanction. At this stage, no liability to pay exists, and the purpose of the notice is to give the recipient the opportunity to make representations within the statutory 28-day period. Since no penalty has yet been imposed, providing payment details/instructions would be premature and could potentially blur the distinction between a proposed sanction and an imposed sanction.

The Welsh Government considers that guidance would be the appropriate place for operational information such as payment methods, contact details, and voluntary early payment processes. The policy intention is that future guidance will address these matters.

Technical Scrutiny point 7: The Welsh Government accepts the reporting point and will seek to amend the reference in paragraph 15(2) of Schedule 2 prior to the making of the Regulations as set out in the table below.

Technical drafting corrections to be made prior to the making of the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Rheoliadau Tracio Gwastraff yn Ddigidol (Cymru) 2026	The Digital Waste Tracking (Wales) Regulations 2026
In regulation 2, in the definition of “rhif gweithredwr sydd wedi ei allgáu’n ddigidol” the reference to “reoliad 10(2)(a)” will be replaced with “reoliad 9(2)(a)”.	In regulation 2, in the definition of “digitally excluded operator number” the reference to “regulation 10(2)(a)” will be replaced with “regulation 9(2)(a)”.
In regulation 4(6) the reference to “rhif tracio gwastraff yn ddigidol” will be replaced with “rhif cofnod digidol o wastraff”.	In regulation 4(6) the reference to “digital waste tracking number” will be replaced with “digital waste record number”.
	In paragraph 4 of Schedule 1 the cross-reference to paragraph 2(1)(d) will be replaced with a cross-reference to paragraph 3(1)(d).
In paragraph 12 of Schedule 2 “rhaid i Cyfoeth Naturiol Cymru...benderfynu’ will be replaced with “caiff Cyfoeth Naturiol Cymru...benderfynu”.	
	In paragraph 15(2) of Schedule 2, the reference to “fixed monetary penalty” will be replaced with “variable monetary penalty”.
Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	