

Statutory Instruments with Clear Reports

14 December 2020

SL(5)679 – The Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2020

Procedure: Negative

These Regulations amend the Non-Domestic Rating Contributions (Wales) Regulations 1992 (“the 1992 Regulations”).

Under Part 2 of Schedule 8 to the Local Government Finance Act 1988, billing authorities (in Wales, county and county borough councils) are required to pay amounts (called non-domestic rating contributions) to the Welsh Ministers. The 1992 Regulations contain rules for the calculation of those contributions for Welsh billing authorities.

These Regulations amend the 1992 Regulations by substituting a new Schedule 4 (Adult Population Figures).

Parent Act: Local Government Finance Act 1988

Date Made: 27 November 2020

Date Laid: 30 November 2020

Coming into force date: 31 December 2020

SL(5)680 – The Additional Learning Needs (List of Independent Special Post-16 Institutions) (Wales) Regulations 2020

Procedure: Negative

These Regulations are made under section 56 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (“the Act”) and they make provision in relation to the inclusion of an independent special post-16 institution within the list published by the Welsh Ministers under section 56(2) of the Act.

Parent Act: Additional Learning Needs and Education Tribunal (Wales) Act 2018

Date Made: 26 November 2020

Date Laid: 30 November 2020

Coming into force date: 04 January 2021



SL(5)687 – The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020

Procedure: Negative

The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2020 (“the Regulations”) amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (“the 2007 Regulations”) in relation to Wales. Those Regulations impose on producers the obligation to recover and recycle packaging waste in order to attain the recovery and recycling targets set out in Article 6(1) of European Parliament and Council Directive 94/62/EC on packaging and packaging waste.

The Regulations are made in exercise of the powers conferred in sections 93 and 94 of the Environment Act 1995 (“the 1995 Act”), which provide Welsh Ministers the power to make regulations in relation to setting minimum recycling and recovery packaging targets for obligated businesses in Wales. The relevant functions of the Secretary of State in the 1995 Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999. The Regulations are subject to annulment procedure in accordance with section 93(11) and (12) of the 1995 Act.

These Regulations replace the EU recovery and recycling targets with recycling only targets on producers. They also vary the material specific recycling targets on obligated producers for paper, plastic, glass, aluminium, steel and wood as well as the specific re-melt target for glass. The recycling allocation for small producers for 2018 to 2020 is changed for 2021 and 2022.

No recovery targets are being set on this occasion, meaning producers only have to meet recycling targets for packaging waste in order to meet their producer responsibility obligations. This is intended to move the management of waste up the waste hierarchy and on recycling targets as a means of evidencing the producer responsibility obligations are met. This is considered to have a better environmental outcome and removes an incentive for material going to activities which are lower down the waste hierarchy. The removal of the recovery target also involves consequential amendments throughout the 2007 Regulations.

Parent Act: Environment Act 1995

Date Made: 01 December 2020

Date Laid: 03 December 2020

Coming into force date: 01 January 2021



SL(5)688 – The Senedd Cymru (Representation of the People) (Amendment) Order 2020

Procedure: Affirmative

The National Assembly for Wales (Representation of the People) Order 2007 (“the 2007 Order”) sets out detailed rules for the conduct of elections to Senedd Cymru.

This Order amends the 2007 Order to reflect policy and legislative changes which have taken place since the 2016 Senedd general election in preparation for the 2021 Senedd general election.

In particular, this Order:

- implements changes arising as a result of the name change, extension of the franchise and disqualification criteria introduced by the Senedd and Elections (Wales) Act 2020,
- gives candidates the option of not publishing their home address at Senedd elections, and
- makes changes to the manner in which payment is made to returning officers for services rendered.

Parent Act: Government of Wales Act 2006, Welsh Language Act 1993

Date Made:

Date Laid:

Coming into force date: 17 December 2020

