

## **Constitutional and Legislative Affairs Committee Report**

**(CLA(4)-08-12)**

**CLA124**

**Title: The Controlled Waste (England and Wales) Regulations 2012**

**Procedure: Negative**

This instrument revokes and replaces the Controlled Waste Regulations 1992, and is made on a composite basis with the Department for Environment, Food and Rural Affairs. It classifies waste as household, industrial or commercial waste, and also lists the types of waste for which local authorities may make a charge for collection and disposal. The instrument enables local authorities (as waste collection authorities under the Environmental Protection Act 1990) to charge under section 45 of that Act for the disposal of waste arising from a wider range of non-domestic premises than the 1992 Regulations permitted; it also consolidates previous amendments, and includes some amended and updated definitions and classifications to improve the clarity of the Regulations and bring them into line with other recent legislation. It also provides that certain litter and refuse is to be treated under Part 2 of the Environmental Protection Act 1990 in the same way as waste collected under section 45 of the Act.

### **Technical Scrutiny**

The following points are identified for reporting under Standing Order 21.2 (ix) in respect of this draft instrument – that it is not made in both English and Welsh.

### **Merits Scrutiny**

The following points are identified for reporting under Standing Order 21.3 (ii) in respect of this draft instrument – that it gives rise to issues of public policy likely to be of interest to the Assembly. The Regulations will allow local authorities to charge for the collection and disposal of waste arising from non-domestic properties (except for charity shops selling donated goods and ‘re-use’ organisations to the extent that the waste came from domestic property, and village halls used for public meetings) whereas now they only charge for collection. It also enables litter collected on premises occupied by establishments to be charged in the same way as other non-hazardous waste generated on the site.

### **Legal Advisers**

**Constitutional and Legislative Affairs Committee  
March 2012**