

SL(5)312 – The Household Waste Duty of Care (Fixed Penalties) (Wales) Regulations 2019

Background and Purpose

These Regulations insert a new section 34ZB into Part II (waste on land) of the Environmental Protection Act 1990 (“the Act”).

Section 34(2A) of the Act sets out the duty of care that applies to occupiers of domestic property in relation to household waste produced at their property. That duty requires occupiers of domestic property in Wales to take all measures available to them as are reasonable in the circumstances to secure that any transfer made by the occupier of their household waste is only to a person that is authorised to accept it. Section 34(6) of the Act provides that a failure to comply with the section 34(2A) duty is an offence.

The new section 34ZB confers a power on waste authorities in Wales to give a notice offering a person the opportunity of discharging any liability for the offence by payment of a fixed penalty. When issuing a notice, the authority may offer a discount for early payment of a fixed penalty.

Procedure

Affirmative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Implications arising from exiting the European Union

These Regulations are made under section 2(2) of the European Communities Act 1972. As such, they will become part of retained EU law on exit day.

Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

6 February 2019

