



Environmental Protection Act 1990

1990 CHAPTER 43

PART II

WASTE ON LAND

Collection, disposal or treatment of controlled waste

52 Payments for recycling and disposal etc. of waste. **E+W**

- (1) Where, under section 48(2) above, a waste collection authority retains for recycling waste collected by it under section 45 above, the waste disposal authority for the area which includes the area of the waste collection authority shall make to that authority payments, in respect of the waste so retained
- [^{F1}(a) in the case of a waste disposal authority in England, of such amounts as may be determined in accordance with regulations made by the Secretary of State; and
- (b) in the case of a waste disposal authority in Wales],
- of such amounts representing its net saving of expenditure on the disposal of the waste as the authority determines.
- [^{F2}(1A) The Secretary of State may by order disapply subsection (1) above in relation to any waste disposal authority constituted under section 10 of the Local Government Act 1985 (joint arrangements for waste disposal in London and metropolitan counties) ^{F3}....]
- [^{F4}(1B) A waste disposal authority is not required to make payments to a waste collection authority under subsection (1) above where, on the basis of arrangements involving the two authorities, the waste collection authority has agreed that such payments need not be made.]
- (2) Where, by reason of the discharge by a waste disposal authority of its functions, waste arising in its area does not fall to be collected by a waste collection authority under section 45 above, the waste collection authority shall make to the waste disposal authority payments, in respect of the waste not falling to be so collected, of such

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amounts representing its net saving of expenditure on the collection of the waste as the authority determines.

- (3) Where a person other than a waste collection authority, for the purpose of recycling it, collects waste arising in the area of a waste disposal authority which would fall to be collected under section 45 above, the waste disposal authority may make to that person payments, in respect of the waste so collected

[^{F5}(a) in the case of a waste disposal authority in England, of such amounts as may be determined in accordance with regulations made by the Secretary of State; and

(b) in the case of a waste disposal authority in Wales],

of such amounts representing its net saving of expenditure on the disposal of the waste as the authority determines.

- (4) Where a person other than a waste collection authority, for the purpose of recycling it, collects waste which would fall to be collected under section 45 above, the waste collection authority may make to that person payments, in respect of the waste so collected, of such amounts representing its net saving of expenditure on the collection of the waste as the authority determines.

[^{F6}(4A) The Secretary of State may by regulations impose on waste disposal authorities in England a duty to make payments corresponding to the payments which are authorised by subsection (3)(a) above to such persons in such circumstances and in respect of such descriptions or quantities of waste as are specified in the regulations.]

- (5) The Secretary of State may, by regulations, impose on waste disposal authorities [^{F7}in Wales] a duty to make payments corresponding to the payments which are authorised by [^{F8}subsection (3)(b)] above to such persons in such circumstances and in respect of such descriptions or quantities of waste as are specified in the regulations.

- (6) For the purposes of [^{F9}subsections (1)(b), (3)(b)] and (5) above the net saving of expenditure of a waste disposal authority on the disposal of any waste retained or collected for recycling is the amount of the expenditure which the authority would, but for the retention or collection, have incurred in having it disposed of less any amount payable by the authority to any person in consequence of the retention or collection for recycling (instead of the disposal) of the waste.

- (7) For the purposes of subsections (2) and (4) above the net saving of expenditure of a waste collection authority on the collection of any waste not falling to be collected by it is the amount of the expenditure which the authority would, if it had had to collect the waste, have incurred in collecting it .

- (8) The Secretary of State shall, by regulations, make provision for the determination of the net saving of expenditure for the purposes of [^{F10}subsections (1)(b), (2)(b), (3)(b), (4)(b)] and (5) above.

[^{F11}(8A) The Secretary of State may give guidance—

(a) to a waste disposal authority in England, for the purposes of determining whether to exercise the power in subsection (3) above;

(b) to a waste collection authority in England, for the purposes of determining whether to exercise the power in subsection (4) above.]

- (9) A waste disposal authority shall be entitled to receive from a waste collection authority such sums as are needed to reimburse the waste disposal authority the reasonable cost

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of making arrangements under section 51(1) above for the disposal of commercial and industrial waste collected in the area of the waste disposal authority.

(10) A waste disposal authority shall pay to a waste collection authority a reasonable contribution towards expenditure reasonably incurred by the waste collection authority in delivering waste, in pursuance of a direction under section 51(4)(a) above, to a place which is unreasonably far from the waste collection authority's area.

(11) Any question arising under subsection (9) or (10) above shall, in default of agreement between the two authorities in question, be determined by arbitration.

[^{F12}(12) In this section, references to recycling waste include re-using it (whether or not the waste is subjected to any process).]

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F1** S. 52(1)(a)(b) inserted (E.W.) (7.3.2006 for certain purposes and 6.4.2006 otherwise) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 49\(2\)](#), 108; S.I. 2006/656, [arts. 2, 3](#)
- F2** S. 52(1A) inserted (E.W.) (7.3.2006) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 49\(3\)](#), 108; S.I. 2006/656, [art. 2](#)
- F3** Words in s. 52(1A) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 13 para. 6\(25\)](#); S.I. 2015/994, [art. 6\(g\)](#)
- F4** S. 52(1B) inserted (E.W.) (6.4.2006) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 49\(4\)](#), 108; S.I. 2006/656, [art. 3](#)
- F5** S. 52(3)(a)(b) inserted (E.W.) (7.3.2006 for certain purposes and 6.4.2006 otherwise) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 49\(6\)](#), 108; S.I. 2006/656, [arts. 2, 3](#)
- F6** S. 52(4A) inserted (E.W.) (6.4.2006) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 106, 108](#), [Sch. 4 para. 3\(2\)](#); S.I. 2006/656, [art. 3](#)
- F7** Words in s. 52(5) inserted (E.W.) (6.4.2006) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 106, 108](#), [Sch. 4 para. 3\(3\)\(a\)](#); S.I. 2006/656, [art. 3](#)
- F8** Words in s. 52(5) substituted (E.W.) (6.4.2006) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 106, 108](#), [Sch. 4 para. 3\(3\)\(b\)](#); S.I. 2006/656, [art. 3](#)
- F9** Words in s. 52(6) substituted (E.W.) (6.4.2006) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 106, 108](#), [Sch. 4 para. 3\(4\)](#); S.I. 2006/656, [art. 3](#)
- F10** Words in s. 52(8) substituted (E.W.) (6.4.2006 for certain purposes and otherwise prosp.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 106, 108](#), [Sch. 4 para. 3\(6\)](#); S.I. 2006/656, [art. 3](#)
- F11** S. 52(8A) inserted (E.W.) (6.4.2006 for certain purposes and otherwise prosp.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 49\(8\)](#), 108; S.I. 2006/656, [art. 3](#)
- F12** S. 52(12) inserted (E.W.) (6.4.2006) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 49\(9\)](#), 108; S.I. 2006/656, [art. 3](#)

Modifications etc. (not altering text)

- C4** S. 52(1) disappplied (E.) (1.4.2006) by [The Joint Waste Disposal Authorities \(Recycling Payments\) \(Disapplication\) \(England\) Order 2006 \(S.I. 2006/651\)](#), [art. 2](#)

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Commencement Information

- I2** S. 52 partly in force; s. 52 not in force at Royal Assent see s. 164(3); s. 52(8) in force for certain purposes at 13.12.1991 by [S.I. 1991/2829](#) art. 2; s. 52(1)(3)-(7)(9)-(11) in force at 1.4.1992 see S.I. 1992/266, art. 3.

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- (5) The Secretary of State may, by regulations, impose on waste disposal authorities a duty to make payments corresponding to the payments which are authorised by subsection (3) above to such persons in such circumstances and in respect of such descriptions or quantities of waste as are specified in the regulations.
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)