



Waste and Emissions Trading Act 2003

2003 CHAPTER 33

PART 1

WASTE

CHAPTER 3

WASTE MANAGEMENT IN ENGLAND

31 Directions to waste collection authorities in England

- (1) Part 2 of the Environmental Protection Act 1990 (c. 43) (waste on land) is amended as follows.
- (2) In section 48 (duties of waste collection authorities as respects collected waste), after subsection (1) (collection authority to deliver collected waste to places directed by disposal authority) there is inserted—
 - “(1A) A waste collection authority in England which is not also a waste disposal authority must discharge its duty under subsection (1) above in accordance with any directions about separation of waste given by the waste disposal authority for its area.”
- (3) In section 51 (functions of waste disposal authorities), after subsection (4) there is inserted—
 - “(4A) A waste disposal authority in England which is not also a waste collection authority may in directions under subsection (4)(a) above include requirements about separation that relate to waste as delivered, but may do so only if it considers it necessary for assisting it to comply with any obligation imposed on it by or under any enactment.
 - (4B) Before exercising its power to include requirements about separation in directions under subsection (4)(a) above, a waste disposal authority shall consult the waste collection authorities within its area.

Changes to legislation: There are currently no known outstanding effects for the Waste and Emissions Trading Act 2003, Section 31. (See end of Document for details)

- (4C) In exercising its power to include requirements about separation in directions under subsection (4)(a) above, a waste disposal authority shall have regard to any guidance given by the Secretary of State as to the exercise of that power.
- (4D) A waste disposal authority which includes requirements about separation in directions given under subsection (4)(a) above shall notify the waste collection authorities to which the directions are given of its reasons for including the requirements.”

(4) After section 52 there is inserted—

“52A Payments for delivering waste pre-separated

- (1) A waste disposal authority in England which is not also a waste collection authority shall pay to a waste collection authority within its area such amounts as are needed to ensure that the collection authority is not financially worse off as a result of having to comply with any separation requirements.
- (2) A waste disposal authority in England which is not also a waste collection authority may pay to a waste collection authority within its area—
- (a) which performs its duty under section 48(1) above by delivering waste in a state of separation, but
 - (b) which is not subject to any separation requirements as respects the delivery of that waste,
- contributions of such amounts as the disposal authority may determine towards expenditure of the collection authority that is attributable to its delivering the waste in that state.
- (3) The Secretary of State may by regulations make provision about how amounts to be paid under subsection (1) above are to be determined.
- (4) Regulations under subsection (3) above may include provision for amounts to be less than they would otherwise be (or to be nil) if conditions specified in the regulations are not satisfied.
- (5) Any question arising under subsection (1) above shall, in default of agreement between the paying and receiving authorities, be determined by arbitration.
- (6) A waste collection authority in England which is not also a waste disposal authority shall supply the waste disposal authority for its area with such information as the disposal authority may reasonably require—
- (a) for the purpose of determining amounts under this section, or
 - (b) for the purpose of estimating any amounts that would fall to be determined under this section were the collection authority to be subject to particular separation requirements.
- (7) In this section “separation requirements”, in relation to a waste collection authority, means requirements about separation included in directions given to it under section 51(4)(a) above.”

Commencement Information

II S. 31 in force at 1.1.2005 by [S.I. 2004/3319](#), [art. 2](#)

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