



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 5

WASTE

CHAPTER 2

DEPOSIT AND DISPOSAL OF WASTE

Local authority waste collection and disposal

49 Payments for waste recycling and disposal

- (1) Section 52 of the Environmental Protection Act 1990 (c. 43) (payments for recycling and disposal etc of waste) is amended as follows.
- (2) In subsection (1) after “so retained” insert—
 - “(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”.
- (3) After subsection (1) insert—

“(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).”
- (4) After subsection (1A) (as inserted by subsection (3) above) insert—

Changes to legislation: Clean Neighbourhoods and Environment Act 2005, Section 49 is up to date with all changes known to be in force on or before 10 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“(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.”

(5) In subsection (2) after “so collected” insert—

- “(a) in the case of a waste collection 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 collection authority in Wales”.

(6) In subsection (3) after “so collected” insert—

- “(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”.

(7) In subsection (4) after “so collected” insert—

- “(a) in the case of a waste collection 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 collection authority in Wales”.

(8) After subsection (8) insert—

“(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) At the end insert—

“(12) In this section, references to recycling waste include re-using it (whether or not the waste is subjected to any process).”

Commencement Information

- I1** S. 49(1) in force at 7.3.2006 by [S.I. 2006/656, art. 2\(a\)](#)
- I2** S. 49(2) in force at 7.3.2006 for specified purposes by [S.I. 2006/656, art. 2\(b\)](#)
- I3** S. 49(2) in force at 6.4.2006 in so far as not already in force by [S.I. 2006/656, art. 3\(b\)](#)
- I4** S. 49(3) in force at 7.3.2006 by [S.I. 2006/656, art. 2\(c\)](#)
- I5** S. 49(4) in force at 6.4.2006 by [S.I. 2006/656, art. 3\(a\)](#)
- I6** S. 49(6) in force at 7.3.2006 for specified purposes by [S.I. 2006/656, art. 2\(d\)](#)
- I7** S. 49(6) in force at 6.4.2006 in so far as not already in force by [S.I. 2006/656, art. 3\(b\)](#)
- I8** S. 49(8) in force at 6.4.2006 for specified purposes by [S.I. 2006/656, art. 3\(c\)](#)
- I9** S. 49(9) in force at 6.4.2006 by [S.I. 2006/656, art. 3\(d\)](#)

Changes to legislation:

Clean Neighbourhoods and Environment Act 2005, Section 49 is up to date with all changes known to be in force on or before 10 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing S.I. 2006/2797