Draft Regulations laid before Parliament under section 160A(2) and (4)(b) of the Environmental Protection Act 1990, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No. 0000

ENVIRONMENTAL PROTECTION, ENGLAND

The Separation of Waste (England) Regulations 2025

Made - - - -

Coming into force - - 31st March 2025

The Secretary of State makes these Regulations in exercise of the powers conferred by section 45AZC(1)(a) and (b) of the Environmental Protection Act 1990 ("the Act")(**a**).

In accordance with section 160A(2) and (4)(b) of the Act, a draft of these Regulations has been laid before, and approved by resolution of, each House of Parliament.

In accordance with section 45AZC(2) of the Act, the Secretary of State is satisfied that the exercise of the power in section 45AZC(1)(a) in relation to recyclable waste streams will not significantly reduce the potential for recyclable household waste or recyclable relevant waste in those waste streams to be recycled or composted.

In accordance with section 45AZC(5) of the Act, the Secretary of State has consulted—

(a) the Environment Agency,

(b) English waste collection authorities,

(c) English waste disposal authorities, and

(d) anyone else the Secretary of State considered appropriate.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Separation of Waste (England) Regulations 2025.

(2) These Regulations come into force on 31st March 2025.

(3) These Regulations extend to England and Wales.

(**a**) 1990 c. 43. Section 45AZC of the Environmental Protection Act 1990 ("the 1990 Act") was inserted by section 57(4) of the Environment Act 2021 (c. 30), which substituted section 45A of the 1990 Act with sections 45A-45AZG of that Act.

Interpretation

2. In these Regulations, "the 1990 Act" means the Environmental Protection Act 1990.

Exemptions from the condition in sections 45A(5), 45AZA(5) and 45AZB(5) of the Act

3.—(1) The condition in section 45A(5) of the 1990 Act does not apply in respect of the collection together by an English waste collection authority of—

(a) any combination of the following recyclable waste streams—

(i) metal,

(ii) glass, or

(iii) plastic; and

(b) the recyclable waste streams food waste and garden waste.

(2) The condition in section 45AZA(5) of the Act does not apply in respect of the collection together of any combination of the following recyclable waste streams—

(a) metal,

(b) glass, or

(c) plastic.

(3) The condition in section 45AZB(5) of the Act does not apply in respect of the collection together of any combination of the recyclable waste streams—

(a) metal,

(b) glass, or

(c) plastic.

Exemption from the application of sections 45AZA and 45AZB of the Act

4.—(1) Sections 45AZA and 45AZB of the Act do not apply in relation to arrangements for the collection of waste from businesses which are micro-firms until 31st March 2027.

(2) A business is a micro-firm if, at the time these Regulations come into force, its full-time equivalent employee number is less than ten.

(3) For the purposes of paragraph (2), the full-time equivalent employee number of a business is calculated by adding together—

(a) the total number of full-time employees of the business; and

(b) for each employee of the business who is not a full time employee, a fraction which represents the sum of the total number of hours worked over the previous twelve weeks divided by the number of weeks in which that employee worked at least one hour, as a proportion of the number of contracted hours per week of a full-time employee.

(4) In this regulation, "business" means any person carrying on an activity or enterprise, whether or not for profit, from—

(a) relevant non-domestic premises under section 45AZA(11) of the Act; or

(b) premises producing relevant waste to which section 45AZB of the Act applies.

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set exemptions from the condition set out in sections 45A(5), 45AZA(5) and 45AZB(5) of the Environmental Protection Act 1990 (c. 43) ("the Act") such that any combination of the recyclable waste streams metal, glass and plastic can be collected together. They also make provision in respect of recyclable household waste, so that the recyclable waste streams food waste and garden waste can be collected together. These conditions require recyclable household waste and recyclable relevant waste in each recyclable waste stream to be collected separately, except so far as provided by sections 45A(6), 45AZA(6) and 45AZB(6) of the Act.

These Regulations also set an exemption from the application of sections 45AZA and 45AZB in respect of businesses which are micro-firms until 31st March 2027. A micro-firm is a business which has a full-time equivalent number of employees of less than ten. "Business" is defined for these purposes as meaning any person carrying on an activity or enterprise, whether or not for profit, from relevant non-domestic premises under section 45AZA(11) of the Act or from premises producing relevant waste to which section 45AZB of the Act applies. Businesses which meet this definition will not need to comply with any requirements in section 45AZA or section 45AZB as appropriate, until 31st March 2027.

A full impact assessment of the effect that this instrument will have on business, the voluntary sector and the public sector is available from the Department for Environment Food and Rural Affairs, Seacole Building, 2 Marsham Street, London, SW1P 4DF, and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.

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