STATUTORY INSTRUMENTS

2024 No. 666

ENVIRONMENTAL PROTECTION, ENGLAND

The Separation of Waste (England) Regulations 2024

Made - - - -	*20th May 2024*
Laid before Parliament	*21st May 2024*
Coming into force in accordance with regulation 1	

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 45A(9)(b), 45AZA(9)(b) and (11)(d) and 45AZB(9)(b) of the Environmental Protection Act 1990(**a**) and section 142(1) and (6) of the Environment Act 2021(**b**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Separation of Waste (England) Regulations 2024.

(2) Subject to paragraphs (3) to (5), these Regulations come into force on 30th June 2024.

(3) Regulation 5(a)(i) comes into force on 31st March 2025.

(4) Regulation 5(a)(ii) and (b) comes into force on 31st March 2026.

(5) In Part 4 of Schedule 1, paragraph 4(1)(e) comes into force on 31st March 2027.

(6) These Regulations extend to England and Wales.

Interpretation

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

Recyclable household waste and recyclable relevant waste under sections 45A, 45AZA and 45AZB of the 1990 Act

3.—(1) Subject to paragraph (4), Schedule 1 (recyclable household waste and recyclable relevant waste in the recyclable waste streams) has effect.

(2) Household waste and relevant waste of a description prescribed in Parts 2 to 6 of Schedule 1 is to be treated as—

(a) recyclable household waste for the purposes of sections 45A and 45AZA of the 1990 Act; or

(b) recyclable relevant waste for the purposes of section 45AZB of the 1990 Act.

(**a**) 1990 c. 43. Section 45A of the Environmental Protection Act 1990 was substituted with new sections 45A to 45AZG of that Act by section 57(4) of the Environment Act 2021 (c. 30).
(**b**) 2021 c. 30

(3) Household waste of a description prescribed in Part 7 of Schedule 1 is to be treated as recyclable household waste for the purposes of section 45A of the 1990 Act.

(4) The waste described in Parts 2 to 5 of Schedule 1 is to be treated as recyclable household waste or recyclable relevant waste only if—

(a) the waste item is empty;

(b) the waste item is not heavily contaminated by other substances; and

(c) the waste item is not classified as packaging with the waste code 150110 in the List of Waste (packaging containing residues of or contaminated by hazardous substances).

(5) In this regulation, "the List of Waste" means the list of waste contained in the Annex to Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 74/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (2000/532/EC)(**a**).

Relevant non-domestic premises for the purposes of section 45AZA of the 1990 Act

4. Schedule 2 (relevant non-domestic premises) has effect.

Amendments to the Waste (England and Wales) Regulations 2011

5. In the Waste (England and Wales) Regulations 2011(**b**), as they apply in relation to England—

(a) in regulations 13—

(i) omit paragraph (2);

(ii) omit paragraphs (3) and (4); and

(b) in Schedule 1, Part 2, paragraph 8, omit ", subject to regulation 13".

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

20th May 2024

(**a**) EUDN 2000/532/EC as amended by S.I. 2020/1540.
(**b**) S.I. 2011/988. Regulation 13 was substituted by S.I. 2012/1889 and amended by S.I. 2020/904.

SCHEDULES

SCHEDULE 1

Regulation 3

Recyclable household waste and recyclable relevant waste in the recyclable waste streams

PART 1

Interpretation

1. In this Schedule—

"fibre-based composite" means a material which is made up of paperboard or paper fibres with a layer of plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand.

PART 2

Recyclable household waste and recyclable relevant waste within the glass waste stream

2.—(1) Subject to sub-paragraph (2), the prescribed descriptions of recyclable household waste and recyclable relevant waste in the glass waste stream are—

(a) bottles used as packaging,

(b) jars used as packaging.

(2) Only items which measure a minimum of 40mm by 40mm are included in the prescribed descriptions of the glass waste stream.

PART 3

Recyclable household waste and recyclable relevant waste within the metal waste stream

3. The prescribed descriptions of recyclable household waste and recyclable relevant waste in the metal waste stream are—

(a) steel and aluminium tins and cans,

(b) steel and aluminium aerosols used as packaging,

(c) aluminium foil,

(d) aluminium food trays,

(e) steel and aluminium jar and bottle lids,

(f) aluminium tubes, bottles and jars used as packaging.

PART 4

Recyclable household waste and recyclable relevant waste within the plastic waste stream

4.—(1) Subject to sub-paragraphs (2) and (3), the prescribed descriptions of recyclable household waste and recyclable relevant waste in the plastic waste stream are—

(a) polyethylene terephthalate plastic bottles, pots, tubs, trays and tubes,

(b) polypropylene plastic bottles, pots, tubs, trays and tubes,

(c) high-density polyethylene and low-density polyethylene plastic bottles, pots, tubs, trays and tubes,

(d) aseptic and refrigerated cartons made of a fibre-based composite,

(e) polyolefin plastic film packaging and plastic bags which contain a minimum of 90% by weight of mono-polyethylene, mono-polypropylene, or both.

(2) Paragraph (1)(e)—

(a) includes any polyelofin plastic film that has been metalised through vacuum or vapour deposition;

(b) does not include any polyelofin plastic film which contains aluminium foil or paper.

(3) The descriptions of waste prescribed in sub-paragraph (1) do not include—

(a) any plastic which contains any pigment which prevents the item from being near-infrared detectable;

(b) any item which does not measure a minimum of 40mm by 40mm.

PART 5

Recyclable household waste and recyclable relevant waste within the paper and card waste stream

5. The paper and card waste stream includes all paper and card except—

(a) fibre-based composite where the non-paper fibre content is more than 15% by weight,

(b) fibre-based composite which has layers of plastic on both sides (double-sided lamination),

(c) fibre-based composite cups,

(d) paper and card to which glitter has been adhered,

(e) paper and card to which foil has been adhered, where the non-paper fibre content is more than 15% by weight,

(f) greaseproof, siliconised or waxed paper,

(g) stickers,

(h) padded polyethylene lined envelopes,

(i) paperback and hardback books,

(j) wallpaper.

PART 6

Recyclable household waste and recyclable relevant waste within the food waste stream

6. The food waste stream includes—

(a) all food intended for human or household pet consumption regardless of whether it has any nutritional value,

(b) biodegradable material resulting from the processing or preparation of food and drink including inedible food parts such as bones, eggshells, fruit and vegetable skins, tea bags and coffee grounds.

PART 7

Recyclable household waste within the garden waste stream

7. The garden waste stream includes all organic material from the garden except—

(a) ash,

(b) plants, or any part thereof, listed in Part 2 of Schedule 9 to the Wildlife and Countryside Act 1981(**a**) or Part 2 of Schedule 2 to the Invasive Alien Species (Enforcement and Permitting) Order 2019(**b**),

(c) soil,

(d) turf cuttings,

(e) waste products of animal origin.

SCHEDULE 2

Regulation 4

Relevant non-domestic premises

Interpretation

1. In this Schedule, "charity shop" and "place of worship" each have the meaning given to them in paragraph 1 of Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012(**c**).

Relevant non-domestic premises

2. The descriptions of premises specified as relevant non-domestic premises for the purposes of section 45AZA of the 1990 Act are—

(a) a place of worship;

(b) a penal institution;

(c) a charity shop selling donated goods originating from domestic premises;

(d) a residential hostel which provides accommodation only to persons with no other permanent address or who are unable to live at their permanent address; and

(**a**) 1981 c. 69. Schedule 9 has been amended in England by S.I. 1992/320, S.I. 2010/609, S.I. 2019/527, and S.I. 2021/236
(**b**) S.I. 2019/527. Schedule 2 has been amended by S.I. 2020/1338.
(**c**) S.I. 2012/811; there are amendments to paragraph 1 of Schedule 1, none of which are relevant.

(e) premises used wholly or mainly for public meetings.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out descriptions of the household waste and the relevant waste which is recyclable household waste and recyclable relevant waste for the purposes of sections 45A, 45AZA and 45AZB of the Environmental Protection Act 1990 (c. 43) ("the 1990 Act"). These sections place requirements on English waste collection authorities and other waste collectors in England to meet conditions relating to the separate collection of recyclable household waste and recyclable relevant waste.

These Regulations also specify descriptions of premises which are to be considered relevant non-domestic premises for the purpose of section 45AZA of the 1990 Act, in addition to those premises referred to in section 45AZA (11)(a), (b) and (c) of the 1990 Act.

These Regulations also amend the Waste (England and Wales) Regulations 2011 (S.I. 2011/998), as they apply in relation to England, in order to omit regulation 13. Regulation 13 places duties on establishments and undertakings, and waste collection authorities, in relation to the collection of waste, which are no longer necessary given the new requirements set out in sections 45A, 45AZA and 45AZB of the 1990 Act. The provisions of the Waste (England and Wales) Regulations 2011 are to be repealed in stages, as section 45A and sections 45AZA and 45AZB are subject to different transitional arrangements and will come into force at difference times.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from legislation.gov.uk.

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