

SL(6)452 – Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales

Background and Purpose

The Waste Separation Requirements (Wales) Regulations 2023 (“the 2023 Regulations”) set out the separation requirements in Wales for the purposes of section 45AA of the Environmental Protection Act 1990 (“EPA 1990”). The 2023 Regulations apply to the presentation, collection and handling of waste in respect of non-domestic premises.

Section 45AB(1) of the EPA 1990 provides that the Welsh Ministers may issue codes of practice for the purpose of giving practical guidance about how to comply with requirements imposed by or under section 45AA.

Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales (“the Code”) is issued by the Welsh Ministers in exercise of this power and provides guidance on how to comply with the separation requirements contained in the 2023 Regulations.

The Welsh Ministers first laid a version of this Code on 4 December 2023, which was considered by the Legislation, Justice and Constitution Committee at its meeting on 8 January 2024. The Committee’s [report](#) raised a number of reporting points under Standing Order 21.7.

It appears that the Code laid on 30 January 2024 replaces the version laid on 4 December 2023 to address the issues identified in the Committee’s report.

Procedure

No procedure.

The Welsh Ministers have laid the Code before the Senedd as required by section 45AB(4)(b) of the EPA 1990.

Scrutiny under Standing Order 21.7

The following point is identified for reporting under Standing Order 21.7 in respect of this Code.

1. It is assumed that the Code laid on 30 January 2024 replaces the Code of the same name laid on 4 December 2023, however this is not:
 - explained to the Senedd in any documentation laid alongside the Code,
 - stated on the face of the Code itself,
 - noted on [the Welsh Government website](#) from which the Code is accessed (although the website does state that it was “last updated” on 30 January 2024).



The Welsh Government is therefore asked to confirm that the Code laid on 30 January 2024 replaces the version that was laid on 4 December 2023.

The Welsh Government is also asked how those who may have already downloaded or printed the 4 December 2023 version of the Code, in preparation for the coming into force of the new separation requirements, will be made aware that the Code has been updated.

Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 19 February 2024 and reports to the Senedd in line with the reporting point above.

