

Annex 1: Proposed statutory guidance text

1. Statutory guidance on materials in and out of scope

1.1 Materials in scope

This guidance deals with both recyclable household waste and recyclable relevant waste (waste from industrial or commercial premises which is similar in nature and composition to household waste). Waste is classified as recyclable household waste or recyclable relevant waste if it is included within one of the recyclable waste streams and it is of a description set out in regulations.

The recyclable waste streams are: paper and card; glass; metal; plastic; food waste; and garden waste. See regulations for a description of each recyclable waste stream.

Adding and removing materials to and from recyclable waste streams

As new recycling technology becomes available, the regulations may be amended to ensure the description of each recyclable waste stream remains up to date and includes as much material that is recyclable as possible. Waste collection authorities and other waste collectors should seek to build flexibility into relevant contracts (for instance, with waste management companies and reprocessors) to add or remove materials as appropriate.

1.2 Materials out of scope

For the avoidance of doubt, the following materials are not in scope of the recyclable waste streams and are not required to be collected for recycling or composting. This list is not exhaustive but refers to items which may commonly be confused with the materials in scope of recyclable waste collection. As new recycling technology becomes available, this list will be reviewed over time and may be updated. This list is adapted from the [WRAP Recycling Guidelines](#).

Recyclable waste stream	Examples of other items or materials not in scope for collection from households and non-household municipal premises
Glass	<ul style="list-style-type: none">• Ceramics, for example crockery, earthenware• Drinking glasses• Flat glass• Glass cookware including Pyrex• Light bulbs and tubes• Microwave plates

	<ul style="list-style-type: none"> • Mirrors • Vases • Window glass
Metal	<ul style="list-style-type: none"> • Laminated foil, for example pet food pouches, coffee pouches • General kitchenware, for example cutlery, pots and pans • Any other metal items, for example kettles, irons, pipes, white goods
Plastic	<ul style="list-style-type: none"> • Any plastic packaging or non-packaging items labelled as “compostable” or “biodegradable” (including but not limited to coffee pods), with the exception of food waste caddy liners • Plastic pouches with laminated foil layer, for example, pet food pouches, coffee pouches • Plastic bottles containing white spirits, paints, engine oils and antifreeze • Bulky rigid plastics such as garden furniture, bins and plastic toys • Polystyrene (expanded and high impact) • Polyvinyl chloride (PVC) packaging
Paper and card	<ul style="list-style-type: none"> • Absorbent hygiene products (AHPs) including nappies, period products and incontinence items • Cotton wool, make up pads • Tissue/toilet paper • Wet wipes
Food waste	<ul style="list-style-type: none"> • Any plastic packaging or non-packaging items labelled as “compostable” or “biodegradable” (including but not limited to coffee pods), with the exception of food waste caddy liners
Garden waste	<ul style="list-style-type: none"> • Animal bedding • Bulky waste (including but not limited to garden furniture and fencing) • Garden tools or other gardening equipment • Plant pots • Plastic • Sand • Sawdust • Stone, gravel or bricks • Tea bags or coffee grounds

2. Statutory guidance on the collection of waste from households

2.1 Duties of waste collection authorities

The recyclable household waste streams must be collected for recycling or composting. The requirements for each waste stream are explained below. If a waste collection authority employs another waste collector, the waste collection authority must ensure that the waste collector has regard to this guidance.

2.1.1 Dry recyclable materials

Section 45A of the Environmental Protection Act 1990 outlines the requirements for separate collection of the dry recyclable waste streams: paper and card; glass; plastic; and metal.

Collection requirements

Waste collection authorities must collect the dry recyclable waste streams separately from residual waste in all circumstances. Dry recyclable waste stream must be collected separately from food and garden waste in all circumstances.

Waste collection authorities can decide how to collect dry recyclable waste streams, i.e. in multiple recycling bins (or bags), or co-mingled in one bin. An exemption has been provided in regulations to allow for the co-collection of dry recyclable waste streams, and therefore waste collection authorities are **not** required to complete a written assessment to justify this.

Note that while loose metal lids should be included in the metal waste stream, metal lids and caps on glass containers (for example, metal jam jar lids) can be left on and recycled with glass. Putting the lids or caps back on glass jars and bottles and recycling them with glass reduces the chance of them getting lost through the sorting process.

Collecting from premises

Under section 45(1)(a) of the Environmental Protection Act 1990, waste collection authorities are required to arrange for the collection of household waste unless it is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste. Where there is a duty to collect waste under section 45(1)(a) of the Environmental Protection Act 1990, section 45A will apply in England.

The expectation is that households should receive an equivalent collection service for recycling as they do for residual waste. By this, we mean that where there is a duty to collect household waste, recycling should also be collected directly from the premises. Section 45A does not allow for comparable alternative arrangements. As a result,

providing a 'bring bank' recycling service would not fulfil the duty to collect household waste. These services should only be provided to supplement collections from households. For some flats and communal properties, it may be more suitable to collect residual waste from a communal on-site bin. In these cases, it may be appropriate to similarly collect the recyclable waste streams from communal on-site bins.

Collection frequency

The frequency of collection of the dry recyclable waste streams should take into consideration the collection methodology employed, including container capacity.

As volumes of recyclable waste may change over time, we recommend that local authorities consider regularly reviewing the collection frequency and container capacity provided.

2.1.2 Organic recyclable materials

Section 45A of the Environmental Protection Act 1990 sets out the requirements for the separate collection of food and garden waste.

Collection requirements

Waste collection authorities must collect food and garden waste separately from the dry recyclable waste streams in all circumstances. All food waste must be handled and treated in compliance with [Animal By-Product Regulations](#).

Unlike the other recyclable waste streams, the duty to collect garden waste does not arise until the collection is requested and, if appropriate, paid for. However, once there is a duty to collect garden waste, the waste collection authority must meet the requirements set out in section 45A of the Environmental Protection Act 1990. The position remains that, under section 45(3) of the Environmental Protection Act 1990 and the Controlled Waste (England and Wales) Regulations 2012, a waste collection authority may recover a reasonable charge for the collection of garden waste from households. A charge is only allowed for collection of garden waste, not disposal.

Waste collection authorities can choose to use an exemption, set out in regulations, to co-collect food and garden waste (i.e. in one bin) without the need to complete a written assessment. Where food and garden waste are collected together, this service must be weekly to meet the requirements relating to food waste.

Where food and garden waste are collected together, a charge is only permitted for the collection of garden waste but not food waste, which must be collected free of charge. Householders should be made aware that they do not have to have a garden waste service (if they do not want to pay for one), and that they are entitled to a free food waste collection service regardless.

Note that windfall fruit can be collected as part of the garden waste stream or the food waste stream, as windfall fruit constitutes food. Also note that [open windrow composting facilities can accept windfall fruit](#). Waste collection authorities are required to collect these items if presented in either the food or garden waste stream. However, waste collection

authorities can communicate a preference as to which waste stream householders should place the items in.

Collecting from premises

For some flats and communal properties, it may be more suitable to collect residual waste from a communal on-site bin. In these cases, it may be appropriate to similarly collect food waste from communal on-site bins.

A set of two bins should be provided for food waste: a caddy for internal use and an external bin for presentation at kerbside. Where food waste is collected communally from flats and communal properties, waste collectors should provide an internal caddy per dwelling alongside the communal on-site bin.

Collection frequency

Section 45A of the Environmental Protection Act 1990 requires that waste collection authorities collect food waste from households on at least a weekly basis.

In order to maximise garden waste yields, we recommend that garden waste collections are made from all households with gardens over a period no less than 36 weeks in any calendar year. It is recommended that, as a minimum, collections are made during March to October (inclusive).

Treatment of food and garden waste

Where householders have the facilities to do so, home composting is the ideal solution for diverting some food and garden waste from the residual waste container, and has the added benefit of providing a soil improver for use in gardens. Further information on home composting can be viewed [on the WRAP website](#).

The legislation requires that separately collected food waste and garden waste must be recycled or composted. The preferred method for treating food waste is by anaerobic digestion (AD), which is considered a form of recycling, as this produces biogas and digestate. Where food waste has been separately collected, the digestate produced through AD should be of sufficient quality to be spread to land as a fertiliser.

Composting is also permitted, and in some circumstances where wet AD is not suitable (such as, where food and garden waste have been co-collected) composting may be a more appropriate method of treatment.

2.1.3 Residual Waste

Collection frequency

Government wants to ensure that householders can dispose of putrescent or odorous waste frequently. Government expects a minimum service frequency for residual waste collections of at least fortnightly in England. Local authorities therefore should provide a minimum standard of a fortnightly collection for residual waste (alongside a weekly food waste collection), i.e. they should not provide a residual waste collection service any less frequently than fortnightly.

The government actively encourages councils to collect residual waste more frequently than fortnightly; this minimum standard provides a backstop, not a recommendation. The combination of the backstop on residual collections alongside the new weekly food waste collections will ensure frequent collections of smelly waste, and will stop a trend towards three or four weekly bin collections seen in some local authorities across the UK, particularly in Wales.

3. Statutory guidance on the collection of waste from non-household municipal premises

As outlined in section 45AZA of the Environmental Protection Act 1990, relevant non-domestic premises are: residential homes; premises forming part of a university or school or other educational establishment; premises forming part of a hospital or nursing home; or premises of a description specified in regulations made by the Secretary of State.

For collections from premises that produce commercial and industrial waste, “relevant waste” is waste which is similar in nature and composition to household waste.

Together, relevant non-domestic premises and premises that produce commercial and industrial waste are referred to as non-household municipal premises.

3.1 Duties of waste collectors

The recyclable household and recyclable relevant waste streams must be collected separately from other household or relevant waste, for recycling or composting. For non-household municipal premises, the requirements for each waste stream are explained below.

3.1.1 Dry recyclable materials

Sections 45AZA and 45AZB of the Environmental Protection Act 1990 outline the requirements for separate collection of the dry recyclable waste streams: paper and card; glass; plastic; and metal.

Collection requirements

Waste collectors must collect the dry recyclable waste streams separately from residual waste and food waste in all circumstances.

Waste collectors can decide how to collect dry recyclable waste streams, i.e. in multiple recycling bins (or bags), or co-mingled in one bin. An exemption has been provided in regulations to allow for the co-collection of dry recyclable waste streams, and therefore waste collectors are **not** required to complete a written assessment to justify this.

Note that while loose metal lids should be included in the metal waste stream, metal lids and caps on glass containers (for example, metal jam jar lids) can be left on and recycled with glass. Putting the lids or caps back on glass jars and bottles and recycling them with glass reduces the chance of them getting lost through the sorting process.

3.1.2 Food waste

Sections 45AZA and 45AZB of the Environmental Protection Act 1990 set out the requirements for separate collection of the food waste stream.

Collection requirements

Waste collectors must collect food waste separately from the dry recyclable waste streams and residual waste in all circumstances. Where a non-household municipal premises does not produce any food waste, it is not required to arrange for its separate collection.

Treatment of food waste

The legislation requires that food waste must be collected separately for recycling or composting. The preferred method for treating food waste is by anaerobic digestion (AD), which is considered a form of recycling, as this produces biogas and digestate. Where food waste has been separately collected, the digestate produced through AD should be of sufficient quality to be spread to land as a fertiliser.

Composting is also permitted, and in some circumstances where wet AD is not suitable (meaning, where food and garden waste has been co-collected) composting may be a more appropriate method of treatment.

3.2 Exemptions for micro-firms

Micro-firms are exempt from the requirements set out in sections 45AZA and 45AZB of the Environmental Protection Act 1990 until 31 March 2027. This applies to the food waste stream and dry recyclable waste streams. Micro-firms are defined as relevant non-domestic premises and businesses that have fewer than 10 full-time equivalent (FTE) employees. Micro-firms may choose to implement the new requirements ahead of 31 March 2027, however, before this date there is no legal obligation to do so.