STATUTORY INSTRUMENTS

2026 No. 729

ENVIRONMENTAL PROTECTION, ENGLAND

The Digital Waste Tracking (England) Regulations 2026

Made - - - -	*24th June 2026*
Coming into force - -	*1st October 2026*

The Secretary of State(**1**) makes these Regulations in exercise of the powers conferred by sections 34CA(1), (2), (3), (6), (7), (8), (9), (10) and 34CB(1), (2), (3), (5), (6) and (7) of the Environmental Protection Act 1990(**2**).

In accordance with section 160A(2) and (4)(b) of the Environmental Protection Act 1990, a draft of these Regulations has been laid before Parliament and approved by resolution of each House of Parliament.

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Digital Waste Tracking (England) Regulations 2026 and come into force on 1st October 2026.

(2) These Regulations extend to England and Wales and apply in England.

Interpretation

2. In these Regulations—

"the 1990 Act" means the Environmental Protection Act 1990;

"the 2005 Regulations" means the Hazardous Waste (England and Wales) Regulations 2005(**3**);

(**1**) The Secretary of State is, in relation to England, the relevant national authority for the purposes of section 34CA(1) of the Environmental Protection Act 1990 ("the 1990 Act"); see section 34CA(12) of the 1990 Act for the definition of "relevant national authority".

(**2**) 1990 c. 43; sections 34CA and 34CB were inserted by section 58(2) of the Environment Act 2021 (c. 30).

(**3**) S.I. 2005/894 as amended by S.I. 2006/937, 2007/3476, 2007/3538, 2009/507, 2010/675, 2010/1159, 2011/556, 2011/988, 2011/2043, 2013/755, 2015/1360, 2015/1650, 2016/58, 2016/336, 2016/721, 2016/738, 2016/1154, 2018/575, 2019/188, 2019/1099, 2020/904, 2020/1540 and 2025/82.

"the 2016 Regulations" mean the Environmental Permitting (England and Wales) Regulations 2016(**4**);

"the Agency" means the Environment Agency;

"approved software" means software that has been approved by the designated person in accordance with regulation 3(3);

"consignment note" means the document set out in Schedule 4(**5**) (form of consignment note) to the 2005 Regulations;

"designated person" has the meaning given in regulation 3(1);

"digitally excluded number" has the meaning given in regulation 8(7);

"digitally excluded operator" has the meaning given in regulation 8(1)(a);

"digital waste record" means an electronic record that is created using approved software;

"digital waste record number" has the meaning given in regulation 3(4)(a);

"digital waste tracking system fee" means the fee payable in accordance with regulation 5;

"digital waste tracking system" has the meaning given in regulation 3(2);

"end of the quarter" means one of the following days, being the end of a quarter—

(a) 31st March;

(b) 30th June;

(c) 30th September; or

(d) 31st December;

"enforcement cost recovery notice" has the meaning given in regulation 20(1);

"hazardous controlled waste" means controlled waste(**6**) (that is to say, household waste(**7**), industrial waste(**8**) or commercial waste(**9**)) that is hazardous waste(**10**);

"operator of a permitted facility" (or "the operator") means the person who is authorised under an environmental permit(**11**) to operate a permitted facility;

"permitted facility" means a regulated facility where a waste operation(**12**) is carried out;

"quarter" means any period of 3 months ending on 31st March, 30th June, 30th September or 31st December;

"regulated facility" has the meaning given in regulation 8 of the 2016 Regulations;

"specified information" has the meaning given in regulation 4(5)(a);

"specified steps" has the meaning given in regulation 4(5);

"working day" means a day which is not—

(a) a Saturday or a Sunday;

(b) Christmas Day;

(c) Good Friday; or

(**4**) S.I. 2016/1154 as amended by S.I. 2017/1012, 2018/110, 2018/428, 2018/721, 2018/1227, 2019/39, 2019/620, 2020/904, 2023/149, 2023/651, 2023/1046, 2023/1156, 2025/82 and 2025/154.

(**5**) The form in Schedule 4 was substituted by S.I. 2016/336.

(**6**) See section 75(4) of the 1990 Act, as read with section 75(5) to (8) of that Act, for the meaning of "controlled waste".

(**7**) See section 75(5) of the 1990 Act for the meaning of "household waste".

(**8**) See section 75(6) of the 1990 Act for the meaning of "industrial waste".

(**9**) See section 75(7) of the 1990 Act for the meaning of "commercial waste".

(**10**) See section 75(8A) of the 1990 Act for the meaning of "hazardous waste". Subsections (8A) to (8C) were inserted into section 75 of the 1990 Act by section 60(3) of the Environment Act 2021.

(**11**) See section 29(13) of the 1990 Act and regulation 2(1) of S.I. 2016/1154 for the meaning of "environmental permit".

(**12**) See section 29(13) of the 1990 Act and regulation 2(1) of S.I. 2016/1154 for the meaning of "waste operation".

(d) a bank holiday in England under the Banking and Financial Dealings Act 1971(**13**).

PART 2

The Digital Waste Tracking System

Designated person and the digital waste tracking system

3.—(1) The Secretary of State ("the designated person") is designated for the purposes of section 34CA(7) of the 1990 Act.

(2) The designated person must establish, maintain and operate an electronic system ("the digital waste tracking system") for the purpose of tracking controlled waste.

(3) The functions in paragraph (2) include (but are not limited to) the approval of software.

(4) Subject to paragraph (5), the designated person must ensure that—

(a) a unique identifying number is assigned to a digital waste record ("digital waste record number") when specified information in that digital waste record is entered into the digital waste tracking system; and

(b) the digital waste record number is sent to the operator of a permitted facility who recorded the specified information in the digital waste record as soon as possible after the digital waste record number has been assigned.

(5) If the operator of a permitted facility has recorded specified information in a digital waste record but has not paid the digital waste tracking fee in accordance with regulation 5(2), the designated person may withhold the entry of the specified information into the digital waste tracking system.

Entry of specified information into the digital waste tracking system by operator of permitted facility

4.—(1) This regulation applies when the operator of a permitted facility receives controlled waste at the permitted facility (but see paragraph (2)).

(2) Paragraph (1) does not apply if—

(a) the permitted facility is a place provided under arrangements made by a waste disposal authority(**14**) under section 51(1)(b)(**15**) as read with section 51(2)(a) of the 1990 Act; and

(b) the controlled waste received at the permitted facility is deposited by a person resident—

(i) in that waste disposal authority's area(**16**); or

(ii) outside that waste disposal authority's area under arrangements made by the waste disposal authority for the deposit of household waste under section 51(3) of the 1990 Act.

(3) The operator must pay the digital waste tracking fee in accordance with regulation 5.

(**13**) 1971 c. 80.
(**14**) See section 30(2) of the 1990 Act for the meaning of "waste disposal authority". Section 30(2)(a) to (e) lists local authorities that are, in relation to England, waste disposal authorities for the purposes of Part 2 of the 1990 Act.
(**15**) Section 51(1) has been amended by Part 4 of Schedule 5 to the Clean Neighbourhoods and Environment Act 2005 (c. 16).
(**16**) A waste disposal authority's area is the area of the local authority making up that waste disposal authority. Maps of local authority's boundaries can be found on the Office for National Statistics (ONS) Open Geography Portal website at https://geoportal.statistics.gov.uk/search?q=Administrative%20Maps.

(4) The operator must comply with the steps specified ("the specified steps") in paragraph (5) for each load of controlled waste received at the permitted facility (but see paragraph (7)) by the deadline set out in paragraph (8).

(5) The specified steps are to—

(a) record in a digital waste record the information specified in Part 2 of Schedule 1 ("specified information"); and

(b) check that the specified information in the digital waste record has been entered into the digital waste tracking system.

(6) For the purposes of paragraph (5)(b), the requirement to check—

(a) is satisfied if the operator receives the digital waste record number for the digital waste record in accordance with regulation 3(4)(b);

(b) is not satisfied if the operator has not received that digital waste record number due to a failure by the operator to—

(i) pay the digital waste tracking fee in accordance with regulation 5; or

(ii) having received a digital message indicating an error, investigate and correct any error with the digital waste record or any error or omission in the specified information recorded in that digital waste record.

(7) For the purposes of paragraph (4)—

(a) where the controlled waste received consists of hazardous controlled waste accompanied by more than one consignment note completed in accordance with requirements in regulation 36 (standard procedure) of the 2005 Regulations, the hazardous controlled waste to which each consignment note relates is to be treated as one load; and

(b) where the controlled waste received consists of hazardous controlled waste delivered to the permitted facility by pipeline under a consignment note completed in accordance with requirements in regulation 41 (removal of wastes by pipeline) of the 2005 Regulations, the hazardous controlled waste to which each consignment note relates is to be treated as one load.

(8) For the purposes of paragraph (4), the deadline for completing the specified steps is the end of the second working day after the day on which the load of controlled waste or hazardous controlled waste is received (but see paragraph (9)) by the operator.

(9) For the purposes of paragraph (8), where the load of hazardous controlled waste is delivered by pipeline, the day of receipt is—

(a) if the load is piped over the course of more than one day, the day on which the last of the piped load is received; and

(b) if the load is piped continuously—

(i) the day recorded in the consignment note relating to that load as the end of the quarter; or

(ii) where the piping stops before the day recorded in the consignment note relating to that load as the end of the quarter, the day on which the piping stops.

Digital waste tracking system fee

5.—(1) The digital waste tracking system fee is £26.

(2) The digital waste tracking fee is payable to the designated person on the first occasion the obligation to comply with the specified steps under regulation 4(4) arises and then on each anniversary of that occasion.

Outage preventing entry of specified information

6.—(1) In the event of an outage, the operator of a permitted facility must follow the steps in paragraph (2).

(2) The steps are to—

(a) unless the operator has received an outage notification, notify the Agency of the outage as soon as reasonably practicable;

(b) make a written record of the specified information within the deadline specified in regulation 4(8);

(c) within 7 days beginning with the day after the day the outage is resolved, ensure the specified information recorded in a written record under sub-paragraph (b) is entered into the digital waste tracking system in accordance with the specified steps.

(3) The operator of a permitted facility—

(a) may make the written record required under paragraph (2)(b) in electronic form if the operator is able to save the record in a manner that can be easily found and retrieved;

(b) must, until such time as the step described in paragraph (2)(c) is completed—

(i) retain the written record made under paragraph (2)(b); and

(ii) if requested to do so, make the written record available to the Agency as soon as reasonably practicable after a request is made.

(4) In this regulation—

(a) "outage" means circumstances caused by factors beyond the operator of the permitted facility's control that prevent the entry of the specified information into the digital waste tracking system by the deadline specified in regulation 4(8);

(b) "outage notification" means a communication informing users of the digital waste tracking system that the system is unavailable.

Correction of digital waste record

7.—(1) This regulation applies where—

(a) the operator of a permitted facility discovers they have made an error in a digital waste record; and

(b) in consequence of such an error, incorrect information about controlled waste is entered into the digital waste tracking system.

(2) The operator of a permitted facility must ensure the correct information is entered into the digital waste tracking system in accordance with the specified steps as soon as reasonably practicable and, in any event, within one month of the date on which the operator of a permitted facility becomes aware of the error.

PART 3

Digitally excluded persons

Written record of specified information by digitally excluded operator of a permitted facility

8.—(1) This regulation applies when—

(a) the operator of a permitted facility is a digitally excluded person(**17**) ("digitally excluded operator"); and

(b) the digitally excluded operator receives controlled waste at the permitted facility (but see paragraph (2)).

(2) Paragraph (1) does not apply if—

(a) the permitted facility is a place provided under arrangements made by a waste disposal authority under section 51(1)(b) as read with section 51(2)(a) of the 1990 Act; and

(b) the controlled waste received at the permitted facility is deposited by a person resident—

(i) in that waste disposal authority's area; or

(ii) outside that waste disposal authority's area under arrangements made by the waste disposal authority for the deposit of household waste under section 51(3) of the 1990 Act.

(3) The digitally excluded operator—

(a) is exempt from the requirements in regulations 4 to 7;

(b) must—

(i) make a written record of specified information about each load of controlled waste received at the permitted facility (but see paragraph (4)) by the deadline set out in paragraph (5);

(ii) include in the written record their digitally excluded number; and

(iii) retain and make available the written record in accordance with regulation 12.

(4) For the purposes of paragraph (3)(b)(i)—

(a) where the load of controlled waste received consists of hazardous controlled waste that is accompanied by more than one consignment note completed in accordance with requirements in regulation 36 (standard procedure) of the 2005 Regulations, the hazardous controlled waste to which each consignment note relates is to be treated as one load; and

(b) where the load of controlled waste received consists of hazardous controlled waste delivered to the permitted facility by pipeline under a consignment note completed in accordance with requirements in regulation 41 (removal of wastes by pipeline) of the 2005 Regulations, the hazardous controlled waste to which each consignment note relates is to be treated as one load.

(5) For the purposes of paragraph (3)(b)(i), the deadline for making the written record is the end of the second working day after the day on which the load of controlled waste or hazardous controlled waste is received (but see paragraph (6)) by the digitally excluded operator.

(6) For the purposes of paragraph (5), where the load of hazardous controlled waste is delivered by pipeline, the day of receipt is—

(a) if the load is piped over the course of more than one day, the day on which the last of the piped load is received; and

(b) if the load is piped continuously—

(i) the day recorded in the consignment note relating to that load as the end of the quarter; or

(ii) where the piping stops before the day recorded in the consignment note relating to that load as the end of the quarter, the day on which the piping stops.

(7) In this regulation, a "digitally excluded number" means the unique identifying number assigned to a digitally excluded operator by—

(**17**) See section 34CA(12) of the 1990 Act for the meaning of "digitally excluded person".

(a) the Agency in accordance with regulation 9(2)(a);

(b) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland in accordance with any provisions made by that Department under article 5G(6) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**18**);

(c) the Natural Resources Body for Wales in accordance with any provisions made by Welsh Ministers under section 34CA(6) of the 1990 Act; or

(d) the Scottish Environment Protection Agency in accordance with any provisions made by Scottish Ministers under section 34CA(6) of the 1990 Act.

Application for digitally excluded number

9.—(1) A digitally excluded operator whose principal place of business is in England must apply to the Agency for a digitally excluded number.

(2) On receiving an application under paragraph (1), the Agency must—

(a) assign the applicant a digitally excluded number; and

(b) inform the applicant of the digitally excluded number assigned to them.

Ceasing to be a digitally excluded person

10.—(1) If a person to whom a digitally excluded number is assigned under regulation 9(2)(a) ceases to be a digitally excluded person, that person must give written notice of the fact to the Agency.

(2) A notice under paragraph (1) must be given as soon as reasonably practicable after the person ceases to be a digitally excluded person.

(3) A person who gives notice under paragraph (1)—

(a) continues to be, for a period of 28 days beginning with the date of the notice—

(i) exempt from the requirements in regulations 4 to 7 in accordance with regulation 8(3)(a); and

(ii) subject to the requirements in regulation 8(3)(b);

(b) after a period of 28 days beginning with the date of the notice, is no longer—

(i) exempt from the requirements in regulations 4 to 7; or

(ii) subject to the requirements in regulation 8(3)(b).

List of digitally excluded persons

11. The Agency must—

(a) maintain a list of digitally excluded persons to whom the Agency has assigned a digitally excluded number under regulation 9(2)(a);

(b) as soon as reasonably practicable after the expiry of the period of 28 days referred to in regulation 10(3)(b), remove from the list any person who has ceased to be a digitally excluded person.

Retention and making available written records

12. A written record made under regulation 8(3)(b)(i) must—

(a) be retained for at least 3 years beginning with the date on which the record is made; and

(**18**) S.I. 1997/2778 (N.I. 19). Article 5G was inserted by section 59(2) of the Environment Act 2021.

(b) if requested by the Agency, be made available to the Agency as soon as reasonably practicable after the request is made.

PART 4

Monitoring

Monitoring functions

13. The Agency(**19**) must monitor compliance with these Regulations.

Recording of information by Environment Agency

14. The Agency may enter any information contained in a written record and made available to the Agency under Parts 2 or 3 of these Regulations into the digital waste tracking system.

PART 5

Offences and Civil Sanctions

CHAPTER 1

General

Interpretation

15. In this Part and in Schedule 2—

"body corporate" includes an LLP;

"compliance notice" means a notice requiring a person to take such steps as are specified in the notice, within such time as is specified in the notice, to ensure that a contravention of a provision of these Regulations does not occur, continue or recur;

"fixed monetary penalty" means a penalty of the amount specified in paragraph 1(1) of Schedule 2;

"LLP" means a limited liability partnership registered under the Limited Liability Partnerships Act 2000(**20**);

"public register" means the register referred to in regulation 23(1);

"variable monetary penalty" means a penalty of such amount as is determined by the Agency in accordance with Part 2 of Schedule 2.

CHAPTER 2

Offences

Offences

16.—(1) An operator of a permitted facility who fails to comply with any of the provisions of the regulations specified in paragraph (2) is guilty of an offence.

(**19**) See section 108(4) of the Environment Act 1995 (c. 25) for the powers the Agency may confer on a person authorised under section 108(1) or (2) to monitor compliance. Section 108(4) has been amended by the Environment Act 2021 (c. 30), Schedule 10, paragraph 5(2) and S.I. 2016/475.

(**20**) 2000 c. 12.

(2) The provisions are—

(a) regulation 4(4) (comply with specified steps within specified deadline);

(b) regulation 6(1) (written record in event of outage within specified deadline);

(c) regulation 6(3)(b) (retain and make available outage written record);

(d) regulation 7(2) (corrections);

(e) regulation 8(3)(b)(i) (written record);

(f) regulation 8(3)(b)(ii) (record digitally excluded number in written record);

(g) regulation 8(3)(b)(iii) (retain and make available written record);

(h) regulation 9(1) (application for digitally excluded number);

(i) regulation 10(1) (notice of ceasing to be digitally excluded person);

(j) regulation 10(2) (deadline for giving notice).

(3) A person who fails to comply with a compliance notice imposed under Part 3 of Schedule 2 is guilty of an offence.

Offences: supplementary

17.—(1) Where—

(a) an offence under these Regulations has been committed by a partnership or unincorporated association; and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—

(i) a relevant individual; or

(ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), "relevant individual" means—

(a) in relation to an LLP, a member;

(b) in relation to a partnership, a partner;

(c) in relation to an unincorporated association, a person who is concerned in the management or control of the association.

Penalties for offences

18. An offence under regulation 16 or 17 is punishable—

(a) on conviction on indictment, with a fine;

(b) on summary conviction, with a fine.

CHAPTER 3

Civil Sanctions

Civil sanctions

19.—(1) Where the Agency is satisfied on the balance of probabilities that a person has contravened a requirement specified in paragraph (2) ("a relevant requirement"), the Agency may, in relation to that contravention, impose on that person—

(a) a fixed monetary penalty in accordance with Part 1 of Schedule 2;

(b) a variable monetary penalty in accordance with Part 2 of Schedule 2; or

(c) a compliance notice in accordance with Part 3 of Schedule 2.

(2) The requirements are—

(a) regulation 4(4) (comply with specified steps within specified deadline);

(b) regulation 6(1) (written record in event of outage within specified deadline);

(c) regulation 6(3)(b) (retain and make available outage written record);

(d) regulation 7(2) (corrections);

(e) regulation 8(3)(b)(i) (written record);

(f) regulation 8(3)(b)(ii) (record digitally excluded number in written record);

(g) regulation 8(3)(b)(iii) (retain and make available written record);

(h) regulation 9(1) (application for digitally excluded number);

(i) regulation 10(1) (notice of ceasing to be digitally excluded person);

(j) regulation 10(2) (deadline for giving notice).

(3) Where the Agency is satisfied on the balance of probabilities that—

(a) a relevant requirement has been contravened by a body corporate, partnership or unincorporated association; and

(b) the contravention occurred with the consent or connivance of, or was attributable to any neglect on the part of—

(i) a relevant individual; or

(ii) an individual purporting to act in the capacity of a relevant individual,

the Agency may impose a civil sanction specified in paragraph (1) on that individual as well as the body corporate, partnership or unincorporated association.

(4) If the Agency is satisfied, on the balance of probabilities, that the contravention of a relevant requirement or prohibition by a person is due to the act or default of some other person, the Agency may also impose a civil sanction specified in paragraph (1) on that other person, whether or not such a sanction is imposed on the first-mentioned person(**21**).

(5) A person on whom a civil sanction has been imposed under this regulation may appeal to the First-tier Tribunal against the imposition of that sanction in accordance with the procedure in regulation 25.

(6) The Agency may recover a fixed monetary penalty or a variable monetary penalty—

(a) as a civil debt; or

(b) on the order of a court, as if payable under a court order.

(7) In this regulation, "relevant individual" means—

(a) in relation to a body corporate—

(i) a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity;

(ii) where the affairs of the body are managed by its members, a member;

(b) in relation to an LLP, a member;

(c) in relation to a partnership, a partner;

(**21**) See also section 158 of the 1990 Act.

(d) in relation to an unincorporated association, a person who is concerned in the management or control of the association.

Enforcement cost recovery notices

20.—(1) The Agency may serve a notice ("an enforcement cost recovery notice") on a person on whom a variable monetary penalty notice in accordance with Part 2 of Schedule 2, or a compliance notice in accordance with Part 3 of Schedule 2, has been served requiring that person to pay the costs incurred by the Agency in relation to the imposition of that notice up to the time of its imposition.

(2) Costs referred to in paragraph (1) include in particular—

(a) investigation costs;

(b) administration costs;

(c) costs of obtaining expert advice (including legal advice).

(3) The enforcement cost recovery notice must specify—

(a) the amount required to be paid;

(b) how payment must be made;

(c) the period within which payment must be made, which must not be less than 28 days beginning with the date on which the notice is served;

(d) the grounds for serving the enforcement cost recovery notice;

(e) the right of appeal; and

(f) the consequences of failure to comply with the enforcement cost recovery notice in the specified period.

(4) A person on whom the enforcement cost recovery notice is served may require the Agency to provide a detailed breakdown of the amount.

(5) A person required to pay costs is not liable to pay the proportion of those costs which are shown by the person to have been unnecessarily incurred.

(6) The person required to pay costs may appeal to the First-tier Tribunal in accordance with the procedure in regulation 25 against—

(a) the decision of the Agency to impose the requirement to pay costs; or

(b) the decision of the Agency as to the amount required to be paid in respect of those costs.

(7) The Agency may recover any costs required to be paid under an enforcement cost recovery notice—

(a) as a civil debt; or

(b) on the order of a court, as if payable under a court order.

Payment of penalties into Consolidated Fund

21. The Agency must pay any penalty it receives under this Part into the Consolidated Fund.

Withdrawing or amending a notice

22. The Agency may at any time in writing—

(a) withdraw a fixed monetary penalty notice;

(b) withdraw a variable monetary penalty notice;

(c) withdraw an enforcement cost recovery notice;

(d) reduce the amount specified in a variable monetary penalty notice or an enforcement cost recovery notice;

(e) withdraw a compliance notice;

(f) amend the steps specified in a compliance notice so as to reduce the amount of work necessary to comply with the notice;

(g) vary a notice so as to extend the time in which to pay any penalty.

CHAPTER 4

Public register

Register of enforcement action

23.—(1) The Agency must establish and maintain a register (a "public register") containing details of—

(a) any conviction for an offence under regulation 16 or 17;

(b) any civil sanction imposed under regulation 19 provided that—

(i) any appeal in relation to a civil sanction has been finally disposed of; or

(ii) if there has been no appeal, the time for lodging any appeal in respect of the civil sanction has expired;

(c) any enforcement cost recovery notice served under regulation 20.

(2) Information relating to civil sanctions must be removed from the public register within a period no longer than 4 years after the information was entered on the register.

(3) Nothing in this regulation requires the public register to contain information relating to criminal proceedings, or anything which is the subject matter of criminal proceedings, before those proceedings are finally disposed of.

(4) In paragraph (3), "criminal proceedings" includes prospective criminal proceedings.

(5) The Agency must—

(a) enter information on the public register as soon as reasonably practicable after it comes within the Agency's possession;

(b) make the public register available for inspection by members of the public at all reasonable times, free of charge; and

(c) permit members of the public to obtain copies of entries on the public register on payment of a reasonable charge.

(6) The public register may be kept in any form but shall be indexed or arranged so that members of the public can readily trace information contained in it.

Spent convictions of individuals

24. The Agency must remove details of any conviction from the public register once the rehabilitation period for a sentence has ended in accordance with section 5 of the Rehabilitation of Offenders Act 1974(**22**) (rehabilitation periods for particular sentences) as it applies in England.

(**22**) 1974 c. 53. Section 5 of the Rehabilitation of Offenders Act 1974 was amended by section 139(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). There are other amendments to section 5 but they are not relevant for the purposes of these Regulations.

PART 6

Appeals

Procedure on appeal

25.—(1) A person who wishes to appeal to the First Tier Tribunal under regulation 19 or 20 must appeal to the First-tier Tribunal in accordance with the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009(**23**) ("the 2009 Rules"), and the 2009 Rules apply to the appeal, subject to the modification in paragraph (2).

(2) Rule 22 of the 2009 Rules applies to an appeal brought under these Regulations as if rule 22(1)(b) required the notice of appeal to be received by the Tribunal within 2 months of the date on which notice of the decision to which the appeal relates was sent to the appellant.

(3) The First-tier Tribunal may, in relation to a decision to impose a civil sanction under regulation 19 or the service of an enforcement cost recovery notice under regulation 20, which is the subject of the appeal—

(a) quash the decision, or withdraw the notice (whether in whole or in part);

(b) confirm the decision or notice (whether in whole or in part);

(c) vary the decision or notice (whether in whole or in part);

(d) remit the decision to the Agency.

Status pending appeal

26. Any—

(a) civil sanction imposed under regulation 19 (other than a compliance notice); or

(b) enforcement cost recovery notice issued under regulation 20,

which is the subject of an appeal is suspended until the appeal is determined or withdrawn.

Determination of appeals

27. Where, following an appeal under regulation 25, the First-tier Tribunal determines that a decision of the Agency is to be remitted to the Agency for reconsideration, the Agency must—

(a) comply with any directions given to it by the First-tier Tribunal; and

(b) take any steps necessary to give effect to the First-tier Tribunal's determination.

PART 7

Supplementary

Access to information

28. The designated person must allow the Agency access to information entered into the digital waste tracking system for the purpose of facilitating the discharge of any of the Agency's functions.

(**23**) S.I. 2009/1976, amended by S.I. 2010/43, 2010/2653, 2011/651, 2012/500, 2013/477, 2014/2128, 2015/2059, 2017/1168, 2018/1053, 2019/758, 2019/828, 2019/925, 2020/416, 2020/651, 2020/1637, 2021/322, 2021/1183, 2022/1030, 2024/364 and 2025/561.

Information sharing

29.—(1) Any information held by the designated person or the Agency under these Regulations may be shared with a body listed in paragraph (2) for the purposes set out in paragraph (3).

(2) The bodies are—

(a) a responsible authority;

(b) a public authority;

(c) a competent authority;

(d) the scheme administrator.

(3) The purposes are—

(a) for a responsible authority, enforcement functions relating to the electronic tracking of waste;

(b) for a public authority, functions relating to the prevention or management of waste or waste related crime;

(c) for a competent authority, the law enforcement purposes;

(d) for the scheme administrator, functions conferred on it by the 2024 Regulations.

(4) In this regulation—

(a) “the 2018 Act” means the Data Protection Act 2018(**24**);

(b) “the 2024 Regulations” mean the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024(**25**);

(c) “competent authority” has the same meaning as in section 30(1) of the 2018 Act;

(d) “public authority” has the same meaning as in section 7(1) of the 2018 Act;

(e) “responsible authority” means—

(i) the Agency;

(ii) the Natural Resources Body for Wales;

(iii) the Scottish Environment Protection Agency; or

(iv) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

(f) “the law enforcement purposes” has the same meaning as in section 31 of the 2018 Act;

(g) “scheme administrator” means the person appointed pursuant to regulation 58 of the 2024 Regulations.

Review

30.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in these Regulations; and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 1st October 2031.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(**26**) requires that a report published under this regulation must, in particular—

(**24**) 2018 c. 12.
(**25**) S.I. 2024/1332.
(**26**) 2015 c. 26.

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);

(b) assess the extent to which those objectives are achieved;

(c) assess whether those objectives remain appropriate; and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Mary Creagh
Parliamentary Under-Secretary of State
Department for Environment, Food and Rural Affairs

24th June 2026

SCHEDULE 1 Regulations 4 and 8

Specified information

PART 1

Interpretation

1. For the purposes of this Schedule—

"the 2011 Regulations" mean the Waste (England and Wales) Regulations 2011(**27**);

"the 2018 Regulations" mean the Environmental Authorisations (Scotland) Regulations 2018(**28**);

"the POPs Regulation" means Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants(**29**);

"waste code" in relation to controlled waste of a particular description means the six digit code given to that description in the waste list;

"the waste list" means the list of waste contained in the Annex to the List of Wastes Decision;

"List of Wastes Decision" means Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/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(**30**).

PART 2

Specified information

The operator of a permitted facility

2.—(1) The operator of the permitted facility's—

(a) name;

(b) (if available) email and telephone number;

(c) environmental permit number for the permitted facility; and

(d) deployment reference number, if—

(i) the permitted facility is a mobile plant(**31**); and

(ii) a condition of the environmental permit for the mobile plant requires the deployment of that plant to be approved by the Agency.

(2) In this paragraph—

(a) "environmental permit number" means the unique number on the environmental permit granted to the operator of a permitted facility under the 2016 Regulations; and

(b) "deployment reference number" means the unique number given in the approval for the deployment of a mobile plant under the 2016 Regulations.

(**27**) S.I. 2011/988; relevant amending instruments are S.I. 2013/755 and 2014/656.
(**28**) S.S.I. 2018/219, amended by S.S.I. 2025/165; there are other amending instruments but none is relevant.
(**29**) EUR 2019/1021; relevant amending instruments are S.I. 2020/1358, 2025/82 and 2025/296.
(**30**) EUDN 2000/532, as amended by S.I. 2020/1540.
(**31**) See section 29(9) of the 1990 Act for the meaning of "mobile plant".

The permitted facility

3. The address of the permitted facility and, if a mobile plant, the address given in the approval referred to in paragraph 2(1)(d) as the deployment site.

4. The date and time the controlled waste was received at the permitted facility.

The transporter of the waste

5. The name of the person who transported the controlled waste to the permitted facility.

6.—(1) In relation to the person named under paragraph 5—

(a) (if available) their address, telephone and email number; and

(b) their—

(i) carrier registration number; or

(ii) transporter authorisation number.

(2) In this Part—

(a) "carrier registration number" means the unique number on the certificate of registration issued to a person registered as a carrier of controlled waste under the 2011 Regulations;

(b) "transporter authorisation number" means the unique number on a registration granted or transferred to a person under the 2018 Regulations that authorises the collection and transport of controlled waste on a professional basis.

7. If the person who transports the controlled waste has no carrier registration number or no transporter authorisation number, the reason why.

8. If the transported waste is hazardous controlled waste, the code for the consignment note that travelled with the waste or, if there is no consignment note, the reason why.

The broker or dealer

9.—(1) Where arrangements for the transportation of the controlled waste to the permitted facility are made by a person ("X") on behalf of another person—

(a) the name and address of X and (if available) X's email and telephone number;

(b) X's—

(i) broker or dealer registration number; or

(ii) broker or dealer authorisation number.

(2) In this paragraph—

(a) "broker or dealer registration number" means the number associated with the registration issued to a person registered as a broker or a dealer of controlled waste under the 2011 Regulations;

(b) "broker or dealer authorisation number" means the number associated with the authorisation issued to a person authorised to act as a broker or a dealer under the 2018 Regulations.

Mode of transport

10. The mode(s) of transport by which the controlled waste was transported (for example, road, rail, sea, air, inland waterway or pipe).

11. If road is a mode of transport recorded under paragraph 10, the vehicle registration number for each vehicle used.

Description of the waste

12. A description of the controlled waste.

Waste codes

13. The waste code(s) for the controlled waste.

14.—(1) For each waste code recorded under paragraph 13—

(a) the total weight of controlled waste recorded under that waste code, including—

(i) the unit of measurement used; and

(ii) if the weight is estimated or actual;

(b) the D code or the R code (or both) for the waste operation that is to be applied to the controlled waste recorded under that waste code;

(c) the weight of controlled waste the D code or the R code is applied to, including—

(i) the unit of measurement used; and

(ii) whether the weight is estimated or actual; and

(d) the type and number of containers used to contain the controlled waste recorded under that waste code.

(2) In this paragraph—

(a) "D code" means the code listed in numerical order in Annex 1 to the Waste Framework Directive(**32**) that describes the waste operation to be applied to controlled waste;

(b) "R code" means the code listed in numerical order in Annex 2 to the Waste Framework Directive that describes the waste operation to be applied to controlled waste.

Hazardous properties

15.—(1) This paragraph applies if the controlled waste—

(a) has one or more of the hazardous properties listed in Annex 3 to the Waste Framework Directive; or

(b) contains one or more of the following substances, which are listed in the first column of the table in Annex 4 to the POPs Regulation, in concentration limits that exceed the concentration limits specified for those substances in the corresponding entry in the fourth column of the table—

(i) polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF);

(ii) DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl)ethane);

(iii) chlordane;

(iv) hexachlorocyclohexanes (including lindane);

(v) dieldrin;

(vi) endrin;

(vii) heptachlor;

(viii) hexachlorobenzene;

(ix) chlordecone;

(x) aldrin;

(xi) pentachlorobenzene;

(**32**) See section 75(1A) of the 1990 Act, as read with section 75A of that Act, for the meaning of "the Waste Framework Directive".

(xii) mirex;

(xiii) toxaphene;

(xiv) hexabromobiphenyl;

(xv) polychlorinated biphenyls (PCB).

(2) Where the controlled waste falls within—

(a) paragraph (1)(a), state—

(i) the HP code(s) for the waste; and

(ii) the chemical or biological components and concentration values that relate to each hazardous property to which each HP code corresponds;

(b) paragraph (1)(b), state—

(i) the letters "POP"; and

(ii) the chemical or biological components and concentration values that relate to each substance falling within paragraph (1)(b);

(3) If unable to state any of the following, the reason why—

(a) HP code;

(b) the letters "POP"; or

(c) the chemical or biological components and concentration values.

(4) In this paragraph, "HP code" means a code from the list (HP 1 to HP 15) in Annex 3 of the Waste Framework Directive that describes hazardous properties in waste.

Persistent organic pollutants

16.—(1) If the controlled waste contains any of the substances listed in Annex 4 to the POPs Regulation, the name of the substance and concentration (whether or not already recorded for the purposes of paragraph 15).

(2) If the name of the substance and concentration is not stated, the reason why.

Physical form of the waste

17. The physical form that best describes the controlled waste—

(a) gas;

(b) liquid;

(c) solid;

(d) powder;

(e) sludge; or

(f) mixed.

Handling

18. Any special handling requirements for the controlled waste, where applicable.

SCHEDULE 2 Regulation 19

Civil sanctions

PART 1

Fixed monetary penalties

1.—(1) The amount of a fixed monetary penalty under these Regulations is £1,000.

(2) A fixed monetary penalty may not be imposed on a person on more than one occasion in relation to the same act or omission, unless the act or omission is a continuing act or omission.

2.—(1) Where the Agency proposes to impose a fixed monetary penalty on a person, the Agency must serve on that person a notice of its intention to do so ("a notice of intent").

(2) The notice of intent must include—

(a) the grounds for imposing the fixed monetary penalty;

(b) the amount of the penalty;

(c) information as to—

(i) the right to make representations and objections within the period of 28 days beginning with the date on which the notice of intent is received ("the 28 day period");

(ii) the circumstances in which the Agency may not impose the penalty.

3. A person on whom a notice of intent is served under paragraph 2 may within the 28 day period make written representations and objections to the Agency in relation to the proposed imposition of the fixed monetary penalty.

4.—(1) If the person who has received a notice of intent does not discharge liability within the 28 day period by paying the amount specified in paragraph 1(1) to the Agency, the Agency may, after considering any representations or objections made during that period, serve a final notice imposing a fixed monetary penalty.

(2) Where the contravention to which the notice of intent relates is a criminal offence, the Agency may not serve a final notice on the person if the Agency is satisfied on the balance of probabilities that the person would not, by reason of any defence, be liable to be convicted of that offence.

5. A final notice must include information as to—

(a) the amount of the penalty;

(b) the grounds for imposing the penalty;

(c) how payment may be made;

(d) the period within which payment must be made, which must not be less than 2 months from when the final notice is given;

(e) details of the increase in the amount of the penalty for late payment;

(f) the right of appeal and the effect of regulation 26 (suspension of penalty where an appeal is made); and

(g) the consequences of non-payment.

6.—(1) The person receiving the final notice may appeal against it.

(2) The grounds for appeal are—

(a) that the decision is based on an error of fact;

(b) that the decision is wrong in law;

(c) that the decision is unreasonable.

7.—(1) The penalty must be paid within the period specified for the purposes of paragraph 5(d), unless an appeal is made within that period.

(2) If the penalty is not paid within the period specified for the purposes of paragraph 5(d), and an appeal is not made, the amount of the penalty is increased by 50%.

(3) In the case of an appeal—

(a) the penalty must be paid within the period of 28 days beginning with the day of determination of the appeal if the appeal is unsuccessful, or the date on which the appeal is withdrawn; and

(b) if the penalty is not paid within that 28 day period, the amount of the penalty is increased by 50%.

8.—(1) If a notice of intent to impose a fixed monetary penalty is served on any person in relation to a contravention which is an offence ("the related offence"), no criminal proceedings may be instituted against that person for the related offence before the expiry of a period of 28 days beginning with the day on which the notice of intent is served.

(2) If, in relation to a contravention which is an offence, a person has paid a fixed monetary penalty, or has discharged liability for a fixed monetary penalty within the 28 day period referred to in sub-paragraph (1), that person may not by reason of the contravention be convicted at any time of the related offence, unless the contravention is a continuing act or omission.

PART 2

Variable monetary penalties

9.—(1) A variable monetary penalty may not be imposed on a person on more than one occasion in relation to the same act or omission, unless the act or omission is a continuing act or omission.

(2) Before imposing a variable monetary penalty or serving a notice of intent in relation to any contravention, the Agency may require the person to provide such information as is reasonable to establish any benefit (financial or otherwise) arising as a result of the contravention.

(3) In determining the amount of a variable monetary penalty, the Agency must take into consideration (but is not limited to) the following factors—

(a) environmental impact or potential impact of contravention;

(b) benefit arising as a result of the contravention;

(c) culpability;

(d) previous history of non-compliance.

10.—(1) Where the Agency proposes to impose a variable monetary penalty on a person, the Agency must serve on that person a notice of its intention to do so (a "notice of intent").

(2) A notice of intent must include—

(a) the grounds for imposing the variable monetary penalty;

(b) the amount of the penalty;

(c) information as to—

(i) the right to make representations and objections within a period of 28 days beginning with the day on which the notice of intent is received ("the 28 day period");

(ii) the circumstances in which the Agency may not impose the penalty.

11. A person on whom a notice of intent is served may within the 28 day period make written representations and objections to the Agency in relation to the proposed imposition of the variable monetary penalty.

12.—(1) If the person who has received a notice of intent does not discharge liability within the 28 day period by paying to the Agency the amount of the penalty specified in the notice of intent, the Agency may, after considering any representations or objections made within the 28 day period, decide whether to impose (by serving a final notice) the variable monetary penalty in the notice of intent, with or without modifications.

(2) Where the contravention to which the notice of intent relates is a criminal offence, the Agency may not serve a final notice on a person if the Agency is satisfied on the balance of probabilities that the person would not, by reason of any defence, be liable to be convicted of that offence.

13. A final notice for a variable monetary penalty must include information as to—

(a) the amount of the penalty;

(b) the grounds for imposing the penalty;

(c) how payment may be made;

(d) the period within which payment must be made, which must not be less than 2 months from when the final notice is given;

(e) the right of appeal and the effect of regulation 26 (suspension of penalty where an appeal is made); and

(f) the consequences of non-payment.

14.—(1) The person receiving the final notice may appeal against it.

(2) The grounds for appeal are—

(a) that the decision is based on an error of fact;

(b) that the decision is wrong in law;

(c) that the amount of the penalty is unreasonable;

(d) that the decision is unreasonable for any other reason.

(3) Where an appeal is made against the issue of a final notice, the penalty must be paid within a period of 28 days beginning with the date of the determination of the appeal if the appeal is unsuccessful, or the date on which the appeal is withdrawn.

15.—(1) If a notice of intent for a variable monetary penalty is served on any person in relation to a contravention which is an offence ("the related offence"), no criminal proceedings may be instituted against that person for the related offence before the expiry of a period of 28 days beginning with the day on which the notice of intent is served.

(2) If, in relation to a contravention which is an offence, a person has paid a variable monetary penalty, or discharged liability for a variable monetary penalty within the 28 day period referred to in sub-paragraph (1), that person may not by reason of the contravention be convicted at any time of the related offence, unless the contravention is a continuing act or omission.

PART 3

Compliance notices

16.—(1) Subject to sub-paragraph (2), a compliance notice may not be imposed on a person on more than one occasion in relation to the same contravention of these Regulations, unless the contravention is a continuing act or omission.

(2) Sub-paragraph (1) does not prevent another compliance notice being imposed on a person under this paragraph if any earlier compliance notice imposed on that person in relation to the same act or omission has first been withdrawn.

(3) Where contravention of a requirement is a criminal offence under these Regulations, the Agency may not impose a compliance notice on a person for contravention of that requirement if the Agency is satisfied on the balance of probabilities that the person would not, by reason of any defence, be liable to be convicted of an offence.

17. A compliance notice must include information as to—

(a) the grounds for imposing the notice;

(b) what steps the person receiving the notice must take and the period within which those steps must be completed;

(c) the right of appeal; and

(d) the consequences of failing to comply with the notice.

18.—(1) A person receiving a compliance notice may appeal against it.

(2) The grounds for appeal are—

(a) that the decision to impose the notice is based on an error of fact;

(b) that the decision is wrong in law;

(c) that the nature of the requirement is unreasonable;

(d) that the decision is unreasonable for any other reason.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first to be made under powers in section 34CA and 34CB of the Environmental Protection Act 1990 (c. 43) ("the 1990 Act"). They establish, in England, a digital waste tracking system, the purpose of which is to track controlled waste.

Controlled waste is household, industrial or commercial waste (see section 75(4) to (8) of the 1990 Act).

Part 2 (regulations 3 to 7) and Schedule 1 contain provisions relating to the establishment of the digital waste tracking system and default requirements for operators of a permitted facility to ensure the entry of information about controlled waste into the digital waste tracking system and to pay an annual fee. This Part also makes provision for outages (when information cannot be entered into the digital waste tracking system) and the correction of errors in the digital waste tracking system.

Part 3 (regulations 8 to 12) contain provisions relating to digitally excluded persons, including alternative requirements for recording information that would otherwise be required to be entered into the digital waste tracking system under Part 2.

Part 4 (regulations 13 and 14) contains provision about functions of the Environment Agency.

Part 5 (regulations 15 to 24) and Schedule 2 contain provisions relating to offences and civil sanctions.

Part 6 (regulations 25 to 27) contains provisions about appeals.

Part 7 (regulations 28 to 30) contains supplementary provisions including those governing Environment Agency access to information in the digital waste tracking system and persons with whom information held under these Regulations can be shared.

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 published alongside these Regulations on www.legislation.gov.uk and available from the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London, SW1P 4DF.