

# Commercial Waste - Know Your Legal Duties:

Environmental Protection Act 1990

The Waste (England and Wales) Regulations 2011

Did you know that any waste, including recyclable waste, food waste and non-recyclable waste produced as a result of any business activity is classed as commercial waste? This includes, but is not limited to, waste from shops and restaurants, hotels and self-catering accommodation.

**If your business produces waste, you have a legal Duty of Care and must manage the waste legally. Failure to do so could lead to a fine.**

## Duty of Care

The law says you must manage and control the storage and disposal of your commercial / trade waste responsibly.

You must ensure:

- All waste is kept securely and responsibly.
- Waste should be kept in a suitable container.
- That whoever you give your waste to has the authority to take it i.e. is a registered Waste Carrier
- That when your waste is transferred to the registered waste carrier a "Waste Transfer Note" accompanies it.
- Waste Transfer Notes are retained for two years and be made available to an authorised officer upon request.
- That your waste is legally disposed of at an appropriate site or facility.

## Waste Hierarchy

Legislation places a duty on businesses that produce waste to take all reasonable measures to deal with it in the following priority order:

1. Prevent waste from occurring
2. Prepare it for Re-use
3. Recycle it (including composting or treatment of organic waste)
4. Other Recovery (for example energy from waste)
5. Disposal

That means you should avoid creating waste if possible. Any waste that your business does produce should be reused, recycled or composted if possible. Disposing of it should be a last resort.

**It is an offence to pass commercial waste off as domestic waste**

**It is an offence to:**

- Take your commercial waste home with you and put it out for collection with domestic waste.
- Take your commercial waste to the Council's Household Waste Site.
- Place your commercial waste in any public litterbins or public recycling bank.
- Dispose of your waste irresponsibly, such as by burning it.

Guests staying in holiday accommodation must not be asked to present their waste as domestic waste.

**For more information visit:**

<http://www.rightwasterightplace.com>

[www.gov.uk/government/publications/waste-duty-of-care-code-of-practice](http://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice)

# Run a business?

The Recycling in the Workplace Law came into effect on

**6 April 2024.**

# Produce waste?

You should already have arrangements in place for the storage, collection and disposal of any trade waste by a licenced waste carrier or be taking this waste to a licenced waste transfer

## What's changed?

There is a legal requirement on anyone who produces waste from any business activity to separate that into the following waste streams:

- **Food**
- **Paper + Card** (can be mixed in the same container)
- **Glass**
- **Metal + Plastic + Cartons** (can be mixed in the same container)
- **Unsold textiles**
- **Small waste electrical and electronic equipment (sWEEE)**

There is also be a ban on:

- **Sending food waste to sewer (any amount)**
- **Separately collected waste going to incineration and landfill**
- **All wood waste going to landfill**

## What hasn't changed?

**You must:**

- **Have a contract with a licenced operator to collect your trade waste**  
⇒ **Paying for the collection and disposal costs**

**Or**

- **Take your own trade waste to a licenced Transfer Station**  
⇒ **Saving the collection cost but not the disposal costs**  
⇒ **To do this you may need to register as a waste carrier. For further information visit:**

[Natural Resources Wales / Register or renew as a waste carrier, broker or dealer](#)

**You must not:**

- **Present your trade waste for collection with/as domestic waste**
- **Present your trade waste for collection in/at litter bins and recycling points**
- **Take your trade waste to a Household Waste Site**
- **Burn your trade waste**

If you do, or attempt, to you are potentially subject to prosecution.



## Changes for who?

The law change applies to all businesses, charities and public sector organisations. This includes:

- Agricultural premises
- Hospitality and tourism - restaurants, bars, pubs, bed and breakfasts, hotels, campsites and caravan parks, holiday accommodation, and licensed premises
- Showgrounds
- Service stations and petrol stations
- Entertainment and sports venues including leisure centres
- Transport - bus stations, railway stations, seaports, airports, and heliports
- Care and nursing homes
- Pharmacies, GP surgeries, dental surgeries, and other primary care settings
- Construction sites
- Factories and warehouses
- Car garages
- Education - universities, colleges, and schools
- Garden centres
- Heritage buildings
- Libraries and museums
- Offices and workshops
- Places of worship
- Prisons
- Outdoor markets and festivals
- Hospitals NHS & private

## How to change?

Ceredigion County Council can provide a service on a full cost recovery basis. This means that there has been a significant increase to our trade waste collection charges.

A summary of the service the Council can provide as of 1 April 2026 is shown in **Table 1**.

There are other service providers locally. You should consider your options to have the legally required arrangements that best meet your needs.

## Why has it changed?

The change is intended to improve the quality and quantity of recycling from workplaces which is good from an environmental and financial perspective.