COUNTRYSIDE ALLIANCE BRIEFING NOTE: CORPORATE WASTE RESPONSIBILITY BILL

Second Reading, House of Lords, Baroness Sheehan

Friday 20 November 2026

- **The Countryside Alliance, alongside partners in the National Rural Crime Network, supports this Bill and urges its passage at Second Reading. We note that it also enjoys the support of the legitimate waste sector.**

- **Local authorities in England dealt with over 1.26 million incidents in 2024-25, a figure that has risen consistently in recent years. Even this is not a full account of the scale of waste crime, with the waste sector estimating that most incidents are never reported.**

- **In June 2026, Future Countryside and the National Rural Crime Network published a policy paper authored by the Countryside Alliance, *Breaking the Cycle: Tackling Fly-Tipping and Waste Crime – A Roadmap for Reform*, which makes a total of 18 policy recommendations.**

- **While the report did not recommend the specific measures provided for in this Bill, its intentions are closely aligned. This Bill would make a positive contribution across several of the areas it addresses.**

- **This Bill stands to benefit the legitimate waste sector by helping defeat its criminal competitors, the broader economy as a direct result, all classes of victim and public confidence in law and order by deterring the activity, landowners by improving their prospects for redress, and the public purse by tackling the evasion of landfill tax.**

Background

- In June 2026, Future Countryside and the National Rural Crime Network published a policy paper authored by the Countryside Alliance, *Breaking the Cycle: Tackling Fly-Tipping and Waste Crime – A Roadmap for Reform*. The report makes a total of 18 policy recommendations.[1]

- The report highlights official statistics that indicate local authorities in England dealt with over 1.26 million incidents in 2024-25, a figure that has risen consistently in recent years, yet even this is not a full account of the scale of waste crime.

- The figure excludes incidents that took place on private land, cases handled by the Environment Agency involving large-scale illegal dumping, and the substantial proportion of offences that are never reported at all. According to industry estimates, these may account for most waste crime.

[1] NRCN / Future Countryside, Breaking the Cycle: Tackling Fly-Tipping and Waste Crime – A Roadmap for Reform, 02.06.26

- The report also categorises five broad classes of victim from waste crime and sets out the nature of the harms they suffer. Those victim classes are the environment, communities, landowners, the public purse and the broader economy.

- While the report did not recommend the specific measures provided for in this Bill, its intentions are closely aligned. Recommendations the report does make include the areas of prevention and offender accountability, addressing clean-up costs, regulation of the waste sector and strengthening enforcement. This Bill would make a positive contribution across each of these domains.

Current legislation

- The principal law governing fly-tipping is the **Environmental Protection Act 1990**, as amended. Section 33 criminalises fly-tipping, defined as depositing waste *"in or on any land unless an environmental permit authorising the deposit is in force and the deposit is in accordance with the licence"*, with the offence now punishable by unlimited fines, vehicle seizure and up to 5 years' imprisonment.

- Section 34 establishes the duty of care by which businesses and, as amended by the **Clean Neighbourhoods and Environment Act 2005**, households may only transfer waste to an authorised operator. Other sections, amended by the 2005 Act and by regulations, establish fixed penalty notices, compensation orders for investigation, enforcement and clean-up costs, and vehicle forfeitures.[2]

- Lawful waste disposal facilities in England and Wales are regulated under the **Environmental Permitting (England and Wales) Regulations 2016**, which also enable waste authorities to prosecute operators and land occupiers who allow illegal dumping, with penalties including fines and imprisonment.[3]

- Powers to tackle illegal activity at waste sites were enhanced by **The Waste Enforcement (England and Wales) Regulations 2018**, which gave local authorities the power to require unlawfully deposited waste to be removed and the Environment Agency and Natural Resources Wales powers to restrict access and waste importation to sites.[4]

- Fixed penalty levels were last revised in **The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023**, which raised the upper limit of fixed penalty notices for littering, graffiti and fly-posting offences from £150 to £500; for household waste duty of care offences from £400 to £600; and for fly-tipping offences from £400 to £1,000.[5] Unlimited fines are available if a conviction is secured in court.

- The use of fixed penalty receipts was ring-fenced for local authority clean-up and enforcement activity from 1 April 2024 under **The Waste Enforcement (Fixed Penalty Receipts) (Amendment) (England and Wales) Regulations 2024**.[6]

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[2] Environmental Protection Act 1990
[3] The Environmental Permitting (England and Wales) Regulations 2016
[4] The Waste Enforcement (England and Wales) Regulations 2018
[5] The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023
[6] The Waste Enforcement (Fixed Penalty Receipts) (Amendment) (England and Wales) Regulations 2024

Bill content

- The long title of the Corporate Waste Responsibility Bill reads:

  "A Bill to require large companies to appoint a named director responsible for compliance with statutory waste duty of care obligations; to make such companies financially responsible for the clean-up and clearance of waste they have generated or controlled where that waste is mismanaged and the duty of care has not been discharged; and for connected purposes."[7]

- Section 1 requires large companies, as defined in regulations to be made by the Secretary of State, to appoint a named director for waste compliance who will be responsible for ensuring its compliance with the waste duty of care. It sets out their compliance duties, which include the use of risk assessments and due diligence arrangements, and requires them to report on compliance annually to the company's board.

- Section 2 requires applicable companies to notify the regulator (the Environment Agency or Natural Resources Wales) of the identity of the named director, as well as of any material breach of the waste duty of care. It also requires them to keep compliance records for at least six years, or longer if prescribed in regulations.

- Section 3 establishes that a company that generated or had control of waste that is mismanaged as a result of its failure to discharge the waste duty of care is liable for the costs of removing the waste, securing the site, preventing further environmental harm and restoring the affected site.

- Section 4 states that a relevant authority, landowner or another who incurred costs that should, under Section 3, fall to a company that is liable for them can recover those costs as a civil debt. Where more than one company has been involved in mishandling the waste that gave rise to the costs, a court can apportion the costs between them. Further provision can be made in regulation.

- Section 5 specifies that breaches of Section 1 or 2 by a company, and providing false information by a named director for waste compliance, will be offences attracting a fine at level 5 on the standard scale. Since 2015, this has been an unlimited fine.[8]

- Sections 6 and 7 empower the Secretary of State to make associated regulations by Statutory Instrument subject to parliamentary approval. These could include exemptions for specific categories of waste or company.

- The remaining sections (among other formalities) set the extent of the Act to England and Wales, and also allow the commencement date of the substantive provisions to be set by regulation.

[7] UK Parliament, Corporate Waste Responsibility Bill [HL] [AS INTRODUCED]
[8] Sentencing Council, Approach to fines

Countryside Alliance position

- The Countryside Alliance, alongside partners in the National Rural Crime Network, supports this Bill and urges its passage at Second Reading. We note that it also enjoys the support of the legitimate waste sector.

- As the NRCN/Future Countryside report identified, major illegal waste sites such as the infamous site near Kidlington, Oxfordshire are normally the responsibility of organised criminal gangs. However, those gangs did not originate the waste. They received it because at some stage an otherwise legitimate business, or a private individual, failed to adhere to their duty of care requirements as set out in Section 34 of the Environmental Protection Act 1990.

- It is readily apparent that existing laws do not adequately deter all businesses from such failure. By requiring the identification of a named responsible director who could be held criminally liable, and by requiring businesses whose waste is fly-tipped to contribute to clean-up costs, this Bill stands to create an effective deterrence.

- In naming landowners as one of the parties whose costs liable businesses could be required to pay, this Bill also stands to address the iniquitous position faced by those – many of whom are farmers – who fall victim to fly-tipping on their land. Such victims not only suffer from the consequences of the offence itself, but they also have foisted upon them requirements to clear the waste, pay the costs and pay the associated landfill tax.

- This Bill therefore stands to benefit:
    - The legitimate waste sector, by helping defeat its criminal competitors;
    - The broader economy, as a direct result;
    - All classes of victim, and public confidence in law and order, by deterring the activity;
    - Landowners, by improving their prospects for redress; and
    - The public purse, by tackling the evasion of landfill tax.

- If the Bill is unable to make progress, we urge that its principles be adopted by the government in future legislation on waste crime. We would welcome such legislation, but for the present we would prefer that this Bill succeeds so that the benefits may be realised without further delay.

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