

*These notes refer to the Carrier Bags Act (Northern Ireland)
2014 (c.7) which received Royal Assent on 28 April 2014*

Carrier Bags Act (Northern Ireland) 2014

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

3. As part of the 2011-15 Budget settlement the Northern Ireland Executive commissioned the Minister of the Environment to introduce a charge on carrier bags.
4. The Department of the Environment (“the Department”) has taken a phased approach to the implementation of charging. The Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013¹ (“the 2013 Regulations”) which were made under the Climate Change Act 2008² (“the 2008 Act”) provided for the first phase of charging arrangements – the introduction of a minimum charge on single use carrier bags. With effect from 8 April 2013, sellers in Northern Ireland must, when applicable, charge customers at least 5 pence for each new single use carrier bag. The net proceeds of this minimum charge must be paid to the Department and will be used to help fund environmental programmes and activities.
5. The aim of the minimum charge is to achieve a significant reduction in the consumption of single use carrier bags in Northern Ireland.
6. This Act provides for the second phase of charging arrangements. It amends the 2013 Regulations to apply the charging provision to a wider variety of carrier bags – specifically the cheaper versions of reusable bags. These bags are defined by reference to their price. This approach is similar to the plastic bag tax in Ireland, where relatively more expensive plastic bags (currently 70 cents or more) are exempted from the charge. The Act also specifies the date on which the new charging arrangements will commence.
7. The extension of the charging arrangements is due to the fact that a range of low cost reusable carrier bags is readily available. Faced with a choice between a single use carrier bag at 5 pence or a reusable bag at a similar price, it is considered likely that consumers would opt for the reusable bag, even if it costs marginally more. This “substitution effect” could in turn mean that many consumers will use and discard these bags prematurely. This would have significant adverse environmental impacts, as such bags are typically made of heavier gauge materials than single use bags.

¹ S.R. 2013 No. 4

² 2008 c.27 as amended by the [Single Use Carrier Bags Act \(Northern Ireland\) 2011 \(2011 c.26\)](#)

8. The Act also makes various other amendments to the 2008 Act which:
 - extend the Department's ability to make specific provision for certain sellers;
 - provide for changes to record keeping and payment arrangements - including a requirement to pay interest to the Department in the event of late payment of the proceeds of the minimum charge; and
 - strengthen the Department's enforcement powers.
9. The Act also requires the Department to carry out a review of the carrier bag charging arrangements and provides specifically for an ad hoc review of exemptions to the charge. In addition, the Department must prepare a report on biodegradable carrier bags which must consider the need for any exemptions from the levy on grounds of biodegradability – and how any such exemptions should be defined and implemented.