

Draft Regulations laid before the Assembly under section 77(4)(ab) of, and paragraph 27(3) of Schedule 6 to, the Climate Change Act 2008, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2022 No. 000

ENVIRONMENTAL PROTECTION

The Single Use Carrier Bags Charge (Amendment and Revocation) Regulations (Northern Ireland) 2022

Made - - - - 2022
Coming into operation 1st April 2022

The Department of Agriculture, Environment and Rural Affairs, makes these Regulations in exercise of the powers conferred by sections 77(2), 90(2)(b) and 90(3)(a) and (b) of, and paragraphs 1, 2, 4 and 7 of Schedule 6 to, the Climate Change Act 2008(1) and now exercisable by it(2).

Citation and commencement

1. These regulations may be cited as the Single Use Carrier Bags Charge (Amendment and Revocation) Regulations (Northern Ireland) 2022 and come into operation on 1st April 2022.

Amendment to the Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013

2. The Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013(3) are amended in accordance with regulations 3 to 6.

Amendment of regulation 2 (Interpretation)

3. In regulation 2(1) in the definition of “net proceeds of the charge” for “5” substitute “25” wherever it occurs.

Amendment of regulation 6 (Requirement to charge)

4. In regulation 6, for “5” substitute “25”.

(1) 2008 c.27; relevant amendments were made by the Carrier Bags Act (Northern Ireland) 2014 (2014 c. 7 (N.I.))
(2) S.R.2016 No.76; see Article 8(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016
(3) S.R. 2013 No. 4; relevant amendments were made by the Carrier Bags Act (Northern Ireland) 2014 (2014 c. 7 (N.I.))

Amendment of regulation 9 (Record-keeping)

- 5.—(1) In regulation 9(3)—
- (a) (2) (a) In paragraph (c) for “5” substitute “25”;
 - (b) In paragraph (d) for “5” substitute “25”.

Amendment of Schedule 1 (Exemptions)

- 6.—(1) Paragraph 1 of Schedule 1 is amended in accordance with paragraphs (2) and (3)—
- (a) (2) (a) Omit sub-paragraph (1)(d);
 - (b) For sub-paragraph (1)(e) substitute—
 - “(e) sealed transit bags”;
 - (c) Omit sub-paragraphs (1)(g) to (1)(j);
 - (d) In sub-paragraph (1)(l), for “of not less than 20 pence each” substitute “greater than £5 each”;
 - (e) After sub-paragraph (1)(n) insert—
 - “(o) bags which—
 - (i) are made of any material;
 - (ii) have maximum dimensions of 125mm (width) x 155mm (height);
 - (iii) have a gusset of less than 50mm; and
 - (iv) have no handle.”
- (3) In sub-paragraph (3)—
- (a) after the definition of “prescription only medicine” insert—
 - ““sealed transit bags” means bags which are intended to be used to carry alcohol or tobacco purchased in an area designated by the Secretary of State as a security restricted area under section 11A of the Aviation Security Act 1982 and which are sealed after the item is placed therein”(4);
 - (b) in the definition of “supplementary prescriber”, “nurse independent prescriber”, “optometrist independent prescriber” and “pharmacist independent prescriber” for “article 1(2) of the Prescription Only Medicines (Human Use) Order 1997” substitute “regulation 8(1) of the Human Medicines Regulations 2012”(5).

Revocation

7. The Single Use Carrier Bags Charge (Amendment) Regulations (Northern Ireland) 2021(6) are revoked.

(4) 1982 c.36; Section 11A inserted by Aviation and Maritime Security Act 1990 (1990 c.31); relevant amendments were made by the Aviation Security Regulations 2010 (S.I. 2010/902) and the Civil Aviation Act 2012 (2012 c. 19)

(5) S.I. 2012/1916; relevant amending Regulations are S.I. 2016/186 and S.I. 2018/199

(6) S.R. 2021 No. 338

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 2022.



Dave Foster
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Department of Agriculture, Environment and
Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013 (“the 2013 Regulations”).

Regulation 3 amends the definition of “net proceeds of the charge” in the 2013 Regulations which stipulates how net proceeds should be calculated, to reflect the new minimum price at which sellers are required to charge customers for each carrier bag supplied new.

Regulation 4 amends regulation 6 of the 2013 Regulations to increase the minimum price at which sellers are required to charge customers for each carrier bag supplied new from 5p to 25p.

Regulation 5 amends regulation 9 of the 2013 Regulations to reflect that a seller should keep a record of the amount received and the VAT payable by way of the new 25p element of the charge.

Regulation 6 amends Schedule 1 to the 2013 Regulations to amend the existing exemption on bags priced at 20p and above to bags priced at over £5 (“the threshold”). It also removes the existing exemptions on:

- bags for purchases on board ships, trains, aircraft, coaches or buses;
- bags for purchases within restricted areas in airports with the exception of sealed transit bags;
- gusseted liners.

Regulation 6 also removes three exemptions for a variety of smaller bags and introduces a new replacement exemption for bags up to one overall size and made of any material in order to simplify the process for consumers and retailers.

Regulation 6 also amends the definition of “supplementary prescriber”, “nurse independent prescriber”, “optometrist independent prescriber” and “pharmacist independent prescriber” to correct an error in the 2013 Regulations.

Regulation 7 revokes the Single Use Carrier Bags Charge (Amendment) Regulations (Northern Ireland) 2021.

An impact assessment on the effect of these Regulations was included as part of the policy consultation in June 2021 and is available on the Department’s website. A separate impact assessment has not been produced for these Regulations.