

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England, prohibit persons from supplying or offering to supply certain plastic items in the course of a business. The prohibitions apply from the twenty-first day after the coming into force of these Regulations, except for the prohibition of the supply of drinks products with single-use plastic straws attached to their packaging, which applies from 3rd July 2021.

Part 2 prohibits the supply of single-use plastic straws to an end user, subject to certain exceptions. The exceptions include the supply of straws by registered pharmacies, the supply of straws by a catering establishment together with food or drink for immediate consumption, and the supply of straws which are medical devices or are for use for medical purposes. Part 2 also prohibits the supply of drinks products with single-use plastic straws attached to their packaging, subject to an exception for medical purposes.

Part 3 prohibits the supply of single-use plastic stemmed cotton buds to an end user, other than for medical, forensic or scientific purposes.

Part 4 prohibits the supply of plastic drink stirrers.

Breach of these prohibitions is an offence (regulations 4, 10 and 14). Regulation 15 makes transitional provision allowing for the continued supply of existing stock; for the period of 6 months beginning with the date on which the regulations come into force, it will not be an offence for a person to supply or offer to supply a product which they obtained before the coming into force date. A civil sanctions regime is also introduced to enable regulators to impose a range of civil sanctions (regulation 19 and the Schedule). These are variable monetary penalties, compliance notices, stop notices and enforcement undertakings. The Regulations make provision for the procedure relating to these sanctions and the available appeal mechanisms. Failure to comply with a stop notice is an offence (paragraph 16 of the Schedule). All appeals relating to a civil sanction are to the First-tier Tribunal.

Regulations 18 and 20 provide for enforcement officers to have powers of entry to carry out the necessary investigations in order to determine whether an offence has been committed.

Regulation 21 provides for the publication of information on enforcement action taken by regulators, and regulations 22 and 23 provide that guidance relating to the use of civil sanctions must be prepared and consulted on and specify information to be included in such guidance. Regulation 24 contains provision for review of the Regulations.

Regulators are able to recover the costs of enforcement (paragraph 27 of the Schedule) in the case of variable monetary penalties, compliance notices and stop notices.

These Regulations were notified in draft to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ No. L 241, 17.9.2015, p. 1).

A full impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sectors is available from the Waste Team at the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR, and is also available together with these Regulations at www.legislation.gov.uk.