
STATUTORY INSTRUMENTS

2015 No. 776

The Single Use Carrier Bags Charges (England) Order 2015

PART 3

Administrators and enforcement

Administrators

- 5.—(1) The relevant local authority is appointed as the administrator⁽¹⁾.
- (2) In paragraph (1), “the relevant local authority” is—
- (a) in the case of a SUCB supplied at a place in England where goods are sold, for the purpose of enabling the goods to be taken away, the local authority with responsibility for the area in which the goods are sold;
 - (b) in the case of a SUCB dispatched from a place in England, in the course of the delivery of goods to a person in England, the local authority with responsibility for the area from which the goods are dispatched;
 - (c) in the case of a SUCB dispatched from a place outside England, in the course of the delivery of goods to a person in England, the local authority with responsibility for the area for which the goods are destined.
- (3) In this article, “local authority” means, in relation to—
- (a) the City of London, the Common Council for the City of London;
 - (b) an area in the rest of London, the London borough council for that area;
 - (c) the Isles of Scilly, the Council of the Isles of Scilly;
 - (d) an area in the rest of England, the county council for that area or where there is no county council for that area, the district council for that area.

Breach

6. A seller breaches this Order if, without reasonable cause, the seller—
- (a) fails to—
 - (i) charge in accordance with article 3;
 - (ii) keep records in accordance with paragraph 1 of Schedule 3; or
 - (iii) supply records in accordance with paragraph 2 of Schedule 3; or
 - (b) gives false or misleading information to, or otherwise obstructs or fails to assist, an administrator exercising its functions under this Order.

⁽¹⁾ For the definition of “administrator”, see paragraph 6(1) and (4) of Schedule 6 to the Climate Change Act 2008.

Powers of enforcement

- 7.—(1) An administrator may, for the purpose of enforcing this Order—
- (a) enter a seller’s premises at any reasonable time;
 - (b) inspect a seller’s goods;
 - (c) make test purchases of a seller’s goods;
 - (d) require a seller to produce documents or to provide information;
 - (e) question a seller or officers or employees of a seller.
- (2) An administrator may only exercise the powers in paragraph (1)(d) or (e) if it reasonably believes that a breach has occurred.
- (3) An administrator seeking to exercise a power under paragraph (1) must produce evidence of identity and authority if requested by a person who is, or appears to be—
- (a) the seller, or an officer or employee of the seller;
 - (b) the owner or occupier of any premises in which the administrator seeks to exercise the power concerned.
- (4) Nothing in paragraph (1) compels the production of any document of which—
- (a) in England and Wales or Northern Ireland, that person would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the County Court or High Court;
 - (b) in Scotland, that person would on grounds of confidentiality of communications be entitled to withhold production on an order for the production of documents in an action in the Court of Session.
- (5) In this article, “premises” means premises other than those used wholly or mainly as a private dwelling.

Duties to report and publish guidance

8. Schedule 4 (reporting and guidance) has effect.