
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prohibit the use of microbeads as an ingredient in the manufacture of rinse-off personal care products and the sale of any such products containing microbeads (regulation 3). Breach of these prohibitions is an offence (regulation 3). (Definitions of “microbead” and “rinse-off personal care product” are contained in regulation 2.) The prohibition on the manufacture of such products comes into force 21 days after these Regulations are made and the prohibition on the sale of any such products comes into force 6 months after the day on which these Regulations are made.

A civil sanctions regime is also introduced to enable the regulator to impose a range of civil sanctions (regulation 7 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.

Regulation 8 gives enforcement officers powers of entry to carry out the necessary investigations in order to determine whether an offence under regulation 3 has been committed.

Regulation 9 provides for publication of information on enforcement action taken by the regulator, and regulations 10 and 11 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 12 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 of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJNo. 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 Marine Litter 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.