
WELSH STATUTORY INSTRUMENTS

2010 No. 2880

The Single Use Carrier Bags Charge (Wales) Regulations 2010

PART 1

Introduction

Title, commencement and application

1.—(1) The title of these Regulations is the Single Use Carrier Bags Charge (Wales) Regulations 2010.

(2) These Regulations apply in relation to Wales and come into force on 1 October 2011.

Interpretation

2.—(1) In these Regulations—

“the charge” (“*y tâl*”) means the minimum charge specified in regulation 6;

“enforcement costs recovery notice” (“*hysbysiad adennill costau gorfodi*”) has the meaning given in regulation 16(1);

“functions” (“*swyddogaethau*”) includes powers and duties;

“late payment penalty” (“*cosb am dalu'n hwyr*”) means any increase in an amount payable—

(a) as a fixed monetary penalty, by virtue of paragraph 10 of Schedule 2;

(b) as a variable monetary penalty, by virtue of paragraph 9 of Schedule 3;

(c) as a non-compliance penalty, by virtue of paragraph 8 of Schedule 4;

“non-compliance penalty notice” (“*hysbysiad o gosb am beidio â chydymffurfio*”) has the meaning given in paragraph 5(4) of Schedule 4;

“record” (“*cofnod*”) means the information specified in regulation 8(3);

“reporting year” (“*blwyddyn adrodd*”) means—

(a) the period starting on the date on which these Regulations come into force and ending on 6 April 2012;

(b) thereafter, the period commencing 7 April in one year and ending on 6 April the following year; the first such period to commence 7 April 2012;

“specified sum” (“*swm penodedig*”) has the meaning given in paragraph 4(2) of Schedule 2.

(2) References to—

(a) a notice of intent in relation to a fixed monetary penalty, are references to a notice of intent served under paragraph 3(1) of Schedule 2;

(b) a final notice in relation to a fixed monetary penalty, are references to a final notice served under paragraph 6(5) of Schedule 2;

(c) to a notice of intent in relation to a discretionary requirement, are references to a notice of intent served under paragraph 3(1) of Schedule 3;

- (d) to a final notice in relation to a discretionary requirement, are references to a final notice served under paragraph 5(6) of Schedule 3;
 - (e) to a notice of intent in relation to a non-compliance penalty, are references to a notice of intent served under paragraph 3(1) of Schedule 4.
- (3) References to single use carrier bags attracting the charge are references to those single use carrier bags to which regulation 6 applies.

Meaning of “single use carrier bag”

3.—(1) In these Regulations “single use carrier bag” (“*bag siopa untro*”) means a bag fitting the description in paragraph (2) or (3)—

- (2) A bag fits the description in this paragraph if—
 - (a) it is made wholly or mainly of paper, plant-based material or natural starch; and
 - (b) it is not specifically manufactured for multiple reuse.
- (3) A bag fits the description in this paragraph if it is a plastic bag—
 - (a) which does not meet all of the specifications in paragraph (4); or
 - (b) which meets all of the specifications in paragraph (4) but is not intended for multiple reuse (*see* paragraph (5)).
- (4) The specifications are—
 - (a) both of the bag’s dimensions are greater than 404 millimetres (“mm”);
 - (b) at least one of the bag’s dimensions is greater than 439 mm;
 - (c) the bag is manufactured from material which is greater than 49 microns in thickness.
- (5) A plastic bag is intended for multiple reuse if—
 - (a) it is purchased by the customer; and
 - (b) when worn out, it is returnable to the seller from whom it was purchased to be replaced free of charge.
- (6) In this regulation—
 - “dimensions” (“*dimensiynau*”) means width or height;
 - “plastic bag” (“*bag plastig*”) means a bag which is made wholly or mainly of plastic.

Meaning of “seller”

4.—(1) In these Regulations “seller” (“*gwerthwr*”) means a person who in the course of trade or business—

- (a) sells goods from a place in Wales;
- (b) sells goods which are delivered to persons in Wales.

But this is subject to paragraph (2).

(2) Where a person (A) sells goods in A’s capacity as an officer or employee of another person (B), then for the purposes of these Regulations B is the seller in those circumstances, and not A.

Administrator

5.—(1) A local authority is to administer the provision made by these Regulations and accordingly, is the administrator for its area⁽¹⁾.

(2) In paragraph (1) the reference to a local authority is a reference to a county or county borough council.

(1) For the definition of “administrator”, see paragraph 6(1) and (4) of Schedule 6 to the Climate Change Act 2008; and for the scope of administrators' powers under these Regulations, see regulation 19.