



The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023

2023 asc 2

Offence

5 Offence of supplying prohibited single-use plastic product

- (1) A person of a description referred to in subsection (2) (“P”) commits an offence if that person—
 - (a) supplies (as to which see subsection (3)) a prohibited single-use plastic product to a consumer who is in Wales, and this includes arranging for the delivery of the product to a consumer at an address in Wales;
 - (b) offers on premises in Wales (as to which see subsection (4)) to supply a prohibited single-use plastic product to a consumer.
- (2) The descriptions of person that may commit an offence under this section are—
 - (a) a body corporate (including a body exercising any function of a public nature);
 - (b) a partnership;
 - (c) an unincorporated association;
 - (d) a person acting as a sole trader.
- (3) P supplies a prohibited single-use plastic product if P, or any person accountable to P—
 - (a) sells the product, or
 - (b) provides the product free of charge.
- (4) P offers to supply a prohibited single-use plastic product if P, or any person accountable to P—
 - (a) displays the product on the premises, or
 - (b) otherwise keeps the product on the premises such that it is accessible by, or available to, a consumer at the premises.
- (5) A person is accountable to P if—
 - (a) that person—
 - (i) is an employee of P,

Changes to legislation: There are currently no known outstanding effects for the The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023, Cross Heading: Offence. (See end of Document for details)

- (ii) has a contract for services with P,
 - (iii) is an agent of P, or
 - (iv) is otherwise subject to the management, control or oversight of P, and
- (b) that person—
 - (i) is acting in the course of P’s business, trade or profession,
 - (ii) is acting in relation to the exercise by P of P’s functions,
 - (iii) is acting in relation to P’s objects or purposes, or
 - (iv) is otherwise acting under the management, control or oversight of P.
- (6) Where P is shown to have arranged for a product to be delivered to a consumer at an address in Wales the product is taken to have been supplied by P to that consumer even if (for whatever reason)—
 - (a) the product was delivered to a different address, or
 - (b) the product was not delivered to any known address.
- (7) In proceedings for an offence under subsection (1), it is a defence for P to show that P exercised all due diligence and took all reasonable precautions to avoid committing the offence.
- (8) P is taken to have shown that P exercised all due diligence and took all reasonable precautions to avoid committing the offence if—
 - (a) sufficient evidence of this is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (9) In proceedings for an offence under subsection (1), an allegation that a product was a single-use plastic product of a kind listed in column 1 of the Table in paragraph 1 of the Schedule will be accepted as proved in the absence of evidence to the contrary.
- (10) Where two or more prohibited single-use plastic products are supplied, or offered for supply, together, for the purposes of subsection (1) this is to be treated as a single act of supply, or offering to supply, of a prohibited single-use plastic product.
- (11) In this section, “consumer” means an individual acting for purposes that are wholly or mainly outside that individual’s trade, business or profession (whether or not the individual purchased the product).

Commencement Information

- I1** S. 5 not in force at Royal Assent, see [s. 22\(2\)](#)
- I2** S. 5 in force at 30.10.2023 by [S.I. 2023/1149](#), [art. 2\(c\)](#)

6 Offence: mode of trial and penalty

A person guilty of an offence under section 5 is liable on summary conviction to a fine.

Commencement Information

- I3** S. 6 not in force at Royal Assent, see [s. 22\(2\)](#)
- I4** S. 6 in force at 30.10.2023 by [S.I. 2023/1149](#), [art. 2\(d\)](#)

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