
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about a minimum amount sellers of goods shall charge for single use carrier bags. The Regulations are made under sections 77 and 90 of, and Schedule 6 to, the Climate Change Act 2008.

Part 1 of the Regulations deals with definitions. It includes a definition of “single use carrier bag” and a definition of “seller” and appoints the Department of the Environment as the Administrator under the Regulations.

Part 2 of the Regulations deals with the minimum amount (5 pence) which a seller shall charge for a single use carrier bag and the types of single use carrier bags to which the requirement to charge does not apply (the bags in question are set out in Schedule 1 to the Regulations). It also specifies that the net proceeds of the charge are to be paid to the Department.

Part 3 of the Regulations deals with the keeping, retention and supply of records by sellers.

Part 4 of the Regulations specifies the circumstances in which a seller breaches these Regulations.

Part 5 of the Regulations concerns civil sanctions. It introduces Schedules 2 and 3 and deals with the circumstances in which a formal proposal to impose a fixed penalty or discretionary requirement cannot be made.

Schedule 2 confers power on the Administrator to impose fixed monetary penalties and contains associated procedural rights and obligations. Schedule 3 confers power on the Administrator to impose discretionary requirements and contains associated procedural rights and obligations.

Part 6 of the Regulations deals with enforcement and non-compliance. It confers enforcement powers on the Administrator; allows the Administrator to recover certain enforcement costs which it has reasonably incurred; and allows the Administrator to recover penalties and enforcement costs through the civil courts. This Part introduces Schedule 4 which allows the Administrator to impose penalties on sellers who fail to comply with certain requirements previously imposed on them. This Part also allows the Administrator to require sellers to publish details of any civil sanctions they have incurred.

Part 7 of the Regulations deals with administrative matters such as the scope of the Administrator’s powers under the Regulations, general provision in relation to appeals, and duties on the Administrator to publish guidance about how it will exercise its civil sanctioning and enforcement powers under the Regulations.

An impact assessment has been prepared for these Regulations. A copy can be downloaded from http://www.doeni.gov.uk/partial_ria_single_use_carrier_bags_regulations.pdf

A draft of the Regulations was notified to the European Commission in accordance with:

(1) Article 8 of Directive [98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ No. L204, 21.7.1998, p. 37) last amended by Council Directive [2006/96/EC](#) (OJ No. L363, 20.12.2006, p. 81); and

(2) Article 16 of European Parliament and Council Directive [94/62/EC](#) of 20 December 1994 on packaging and packaging waste (OJ No. L365, 31.12.1994, p. 10) last amended by Regulation (EC) [No. 219/2009](#) (OJ No. L87, 31.3.2009, p. 109).