
EXPLANATORY NOTE

(This note is not part of the Order)

This Order introduces provision about charging by sellers of goods for the supply of single use carrier bags (“SUCBs”). It applies in relation to England.

Certain words or phrases in this Order have the meaning given in Schedule 6 to the Climate Change Act 2008 (2008 c.27). These include: “administrator”, “civil sanction”, “discretionary requirement”, “fixed monetary penalty”, “gross proceeds of the charge”, “net proceeds of the charge”, “non-monetary discretionary requirement”, “variable monetary penalty”.

Article 3 requires sellers to charge a minimum of 5 pence (including any VAT) for each SUCB supplied in a reporting year for certain purposes (for example for enabling goods to be taken away). “Seller” has the meaning given in Schedule 1. “SUCB” has the meaning given in Schedule 2.

Schedule 3 requires sellers to keep records and supply copies to the Secretary of State and to members of the public who ask for them. The Secretary of State must publish the records (paragraph 1 of Schedule 4).

Local authorities in England are responsible for enforcing this Order (article 5). Their powers are set out in articles 7 and 9 to 15. They also have duties to publish reports and guidance about enforcement action (paragraphs 2 and 3 of Schedule 4).

Article 16 sets out sellers’ rights of appeal against enforcement decisions. Article 18 is a review clause. Article 19 is a transitional and saving provision.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at www.gov.uk/defra and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk. Alternatively, a copy of the assessment may be obtained by writing to Defra at Nobel House, 17 Smith Square, London, SW1P 3JR.