
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020

PART 2

Single-use plastic straws

Offence: supply of single-use plastic straws to an end user

4.—(1) A person who, in the course of a business, supplies or offers to supply to an end user a single-use plastic straw, other than an attached plastic straw, is guilty of an offence.

(2) Paragraph (1) is subject to the exemptions in regulations 5 to 9, and to regulation 15.

(3) A person who, in the course of a business, supplies or offers to supply to an end user a drink product with an attached plastic straw is guilty of an offence.

(4) Paragraph (3) is subject to the exemption in regulation 7.

(5) A person guilty of an offence under paragraph (1) or (3) is liable on summary conviction to a fine.

(6) In this regulation, “attached plastic straw” means a single-use plastic straw which is attached to the packaging of a drink product and is intended to be used to consume that drink.

Exemption: retail pharmacy businesses

5.—(1) Regulation 4(1) does not apply to the supply of a single-use plastic straw by a retail pharmacy business in the cases in paragraph (2), provided that the conditions in paragraph (3) are complied with.

(2) The cases referred to in paragraph (1) are where the single-use plastic straw is supplied to an end user—

- (a) at a registered pharmacy; or
- (b) by means of online or other distance selling arrangements.

(3) The conditions are that single-use plastic straws to which regulation 4(1) applies—

- (a) must not be advertised to customers by the retail pharmacy business; and
- (b) if supplied at a registered pharmacy—
 - (i) must not be kept in a place where they are visible to customers, or where customers can access them; and
 - (ii) must not be offered or provided to a customer unless the customer has requested them.

(4) The condition in paragraph (3)(a) does not prohibit the display of single-use plastic straws for sale on a website or application through which the retail pharmacy business sells products online.

(5) In this regulation, “registered pharmacy” and “retail pharmacy business” have the meanings given in regulation 8(1) of the Human Medicines Regulations 2012⁽¹⁾.

Exemption: catering establishments

6.—(1) Regulation 4(1) does not apply to the supply by a catering establishment of a single-use plastic straw together with food or drink which is supplied for immediate consumption, provided that the conditions in paragraph (2) are complied with.

(2) The conditions are that single-use plastic straws to which regulation 4(1) applies—

- (a) must not be kept in a place where they are visible to customers, or where customers can access them; and
- (b) must not be offered or provided to a customer unless the customer has requested them.

(3) In this regulation, “catering establishment” means a restaurant, canteen, club, public house or similar establishment (including a vehicle or a fixed or mobile stall) which supplies food or drink that is ready for consumption without further preparation.

Exemption: relevant devices and medical purposes

7. Regulation 4(1) and (3) does not apply to the supply of a product—

- (a) that is a relevant device;
- (b) for use for medical purposes by or under the direction of a health professional; or
- (c) by a health professional for medical purposes.

Exemption: packaging

8.—(1) Regulation 4(1) does not apply to the supply of a single-use plastic straw that is packaging.

(2) In this regulation, “packaging” has the same meaning as in regulation 3 of the Packaging (Essential Requirements) Regulations 2015⁽²⁾.

Exemption: other establishments

9.—(1) Regulation 4(1) does not apply to the supply of a single-use plastic straw in—

- (a) a care home;
- (b) premises used for early years provision;
- (c) a school; or
- (d) a prison or other place of detention.

(2) In this regulation—

- “care home” has the same meaning as in section 3 of the Care Standards Act 2000⁽³⁾;
- “early years provision” has the same meaning as in section 96(2) of the Childcare Act 2006⁽⁴⁾;
- “prison” has the same meaning as in section 92(1) of the Criminal Justice Act 1991⁽⁵⁾;
- “school” has the same meaning as in section 4 of the Education Act 1996⁽⁶⁾.

(1) S.I. 2012/1916, to which there are amendments not relevant to these Regulations.

(2) S.I. 2015/1640, to which there are amendments not relevant to these Regulations.

(3) 2000 c. 14. Section 3 was amended by paragraph 4 of Schedule 5 to the Health and Social Care Act 2008 (c. 14).

(4) 2006 c. 21.

(5) 1991 c. 53.

(6) 1996 c. 56. Section 4 was amended by section 51 of, and paragraph 10 of Schedule 7 and Schedule 8 to, the Education Act 1997 (c. 44), Part 3 of Schedule 22 to the Education Act 2002 (c. 32), section 95 of the Childcare Act 2006 (c. 21), paragraph 9(2) of Schedule 13 to the Education Act 2011 (c. 21) and S.I. 2010/1080, 2019/1027.

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