

*Status: Point in time view as at 26/01/2009.*

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## SCHEDULES

### SCHEDULE 6 **E+W+N.I.**

#### CHARGES FOR SINGLE USE CARRIER BAGS

##### PART 1 **E+W+N.I.**

#### POWERS TO MAKE REGULATIONS ABOUT CHARGES

##### *General power*

- 1 The relevant national authority may make provision by regulations about charging by sellers of goods for the supply of single use carrier bags.

##### *Requirement to charge*

- 2 The regulations may make provision requiring sellers of goods to charge for single use carrier bags supplied—
- (a) at the place where the goods are sold, for the purpose of enabling the goods to be taken away, or
  - (b) for the purpose of enabling the goods to be delivered.

##### *Sellers of goods*

- 3 (1) “Seller”, in relation to goods, has the meaning given by the regulations which may define that term by reference (in particular) to—
- (a) a person's involvement in selling the goods,
  - (b) a person's interest in the goods, or
  - (c) a person's interest in the place at or from which the goods are sold,
- or any combination of those factors.
- (2) The regulations may make provision for regulations under this Schedule to apply—
- (a) to all sellers of goods,
  - (b) to sellers of goods named in the regulations,
  - (c) to sellers of goods identified by reference to specified factors, or
  - (d) to sellers of goods within paragraph (b) and sellers of goods within paragraph (c).
- (3) The specified factors may include—
- (a) the place or places at or from which a seller supplies goods;
  - (b) the type of goods that a seller supplies;
  - (c) the value of goods that a seller supplies;
  - (d) a seller's turnover or any part of that turnover.

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(4) In this Schedule “specified” means specified in regulations under this Schedule.

*Amount of charge*

4 The regulations may specify the minimum amount that a seller must charge for each single use carrier bag, or provide for that amount to be determined in accordance with the regulations.

*Single use carrier bags*

5 “Single use carrier bag” has the meaning given by the regulations, which may define that term by reference (in particular) to—

- (a) a bag's size, thickness, construction, composition or other characteristics, or
- (b) its intended use,

or any combination of those factors.

*Administration*

6 (1) The regulations may appoint a person (an “administrator”) to administer provision made by regulations under this Schedule.

(2) More than one person may be appointed as administrator.

(3) The regulations may confer or impose powers or duties on an administrator and may (in particular) do so—

- (a) by making modifications to any enactment applying to the administrator, or
- (b) by providing for any such enactment to apply, with or without modifications, for the purposes of regulations under this Schedule.

(4) References in this Schedule to an administrator include a person appointed by an administrator.

*Record-keeping and publication of records*

7 (1) The regulations may require records to be kept relating to charges made for single use carrier bags.

(2) The regulations may require—

- (a) the records, or such other information as may be specified, to be published at such times and in such manner as may be specified;
- (b) the records, or such other information as may be specified, to be supplied on request and in such manner as may be specified to—
  - (i) the relevant national authority,
  - (ii) an administrator, or
  - (iii) members of the public.

(3) The regulations may (in particular) require the publication or supply of records or information relating to any of the following—

- (a) the amount received by a seller by way of charges for single use carrier bags;
- (b) the seller's gross or net proceeds of the charge;
- (c) the uses to which the net proceeds of the charge have been put.

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(4) In this paragraph—

“gross proceeds of the charge” means the amount received by the seller by way of charges for single use carrier bags;

“net proceeds of the charge” means the seller's gross proceeds of the charge reduced by such amounts as may be specified.

#### *Enforcement*

- 8 (1) The regulations may confer or impose powers or duties on an administrator to enforce provision made by regulations under this Schedule.
- (2) The regulations may (in particular) confer powers on an administrator to—
- (a) require the production of documents or the provision of information, or
  - (b) question a seller or officers or employees of a seller.
- (3) Regulations under sub-paragraph (2) must contain provision for ensuring that the power in question is exercised by a person only where the person reasonably believes there has been a failure to comply with a requirement of regulations under this Schedule.

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