

Carrier Bags Bill

[AS INTRODUCED]

CONTENTS

1. Extension of the 2008 Act to carrier bags
2. Regulations under Schedule 6 to the 2008 Act
3. Requirement to charge
4. Sellers
5. Payment of the charge
6. Carrier bags defined by price
7. Records and enforcement
8. Civil sanctions
9. Review
10. Short title

A

B I L L

TO

Amend the Climate Change Act 2008 to confer powers to make provision about charging for carrier bags; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Extension of the 2008 Act to carrier bags

1. In the Climate Change Act 2008 (the “2008 Act”)—

- (a) for “single use carrier bag” (wherever occurring) substitute “carrier bag”;
- (b) for “single use carrier bags” (wherever occurring) substitute “carrier bags”.

5

Regulations under Schedule 6 to the 2008 Act

2.—(1) Section 77 of the 2008 Act (charges for single use carrier bags) is amended as follows.

(2) In subsection (4) (regulations subject to affirmative resolution procedure), after paragraph (aa) insert—

10

“(ab) they are to be made by the Department of the Environment in Northern Ireland and increase the minimum amount specified under paragraph 4 of the Schedule;”.

(3) After subsection (5) insert—

15

“(6) Section 17(5) of the Interpretation Act (Northern Ireland) 1954 applies to a power to make regulations under Schedule 6.”.

Requirement to charge

3.—(1) In paragraph 2 of Schedule 6 to the 2008 Act (requirement to charge), for sub-paragraphs (a) and (b) substitute—

20

- “(a) at a place where goods are sold, for the purpose of enabling goods to be taken away, or
- (b) for the purpose of enabling goods to be delivered.”.

(2) After that paragraph, insert—

“2A The regulations may make provision for treating carrier bags as having been supplied for the purpose of enabling goods to be taken away if the carrier bags have been designed for that purpose.”.

Sellers 5

4.—(1) Paragraph 3 of Schedule 6 to the 2008 Act (specified factors of sellers) is amended as follows.

(2) After sub-paragraph (3)(d) insert—

“(e) the number of a seller’s full-time equivalent employees.”.

(3) After sub-paragraph (4) insert— 10

“(5) For the purposes of sub-paragraph (3)(e), the number of a seller’s full-time equivalent employees is calculated as follows—

Step 1

Find the number for full-time employees of the seller.

Step 2 15

Add, for each employee of the seller who is not a full-time employee, such fraction as is just and reasonable.

The result is the number of full-time equivalent employees.”.

Payment of the charge

5. In paragraph 4A of Schedule 6 to the 2008 Act (payment to the Department), after sub-paragraph (2) insert— 20

“(2A) The regulations may—

(a) provide for the time when and manner in which the gross or net proceeds of the charge are to be paid to the Department;

(b) provide for the payment of interest for late payment of the gross or net proceeds of the charge to the Department.”. 25

Carrier bags defined by price

6.—(1) Paragraph 5 of Schedule 6 to the 2008 Act (definition of “single use carrier bag”) is amended as follows.

(2) The existing provision becomes sub-paragraph (1) of that paragraph. 30

(3) In that sub-paragraph—

(a) in paragraph (a), omit “or” in the second place it occurs;

(b) at the end of paragraph (b) insert— “or

(c) its price.”.

(4) After that sub-paragraph insert— 35

“(2) In this paragraph “price” means the price paid by a specified person, excluding any minimum charge that may be applicable by virtue of paragraph 4.”.

Records and enforcement

7.—(1) Schedule 6 to the 2008 Act (charges for single use carrier bags) is amended as follows.

5 (2) In paragraph 7 (record-keeping and publication of records) after sub-paragraph (3)(c) insert—

“(d) payments of the gross or net proceeds of the charge made to the Department of the Environment in Northern Ireland.”.

(3) In paragraph 8 (regulations about enforcement)—

10 (a) in sub-paragraph (2)(a), omit “or” in the second place it occurs;

(b) after sub-paragraph (2)(a) insert—

“(aa) inspect, retain or copy such documents, or”;

(c) omit sub-paragraph (3).

Civil sanctions

15 8.—(1) Schedule 6 to the 2008 Act (charges for single use carrier bags) is amended as follows.

(2) In paragraph 24 (review)—

(a) in sub-paragraph (5), for “section” substitute “paragraph”;

(b) omit sub-paragraph (6).

(3) In paragraph 25(6) (suspension), for “section” substitute “paragraph”.

20 **Review**

9.—(1) The Department must, within 3 years of this Act coming into operation, prepare a report on the operation of the charging provisions.

(2) A report under this section must assess—

25 (a) the effectiveness of the charging provisions;

(b) whether any amendments to the charging provisions are necessary or desirable.

(3) The Department must—

(a) lay a report under this section before the Assembly;

(b) publish a report under this section in such manner as it thinks appropriate.

30 (4) In this section, the “charging provisions” means section 77 of and Schedule 6 to the 2008 Act and any regulations made under those provisions.

Short title

10. This Act may be cited as the Carrier Bags Act (Northern Ireland) 2013.