

Carrier Bags Bill

[AS AMENDED AT FURTHER CONSIDERATION STAGE]

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TO

Amend the Climate Change Act 2008 to confer powers to make provision about charging for carrier bags; to amend the Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013; 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”.

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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—

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“(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—

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“(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—

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“(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.”.

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Sellers

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.”.

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(3) After sub-paragraph (4) insert—

“(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.

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Step 2

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

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

“(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;

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

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.

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

(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,”.

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(4) After that sub-paragraph insert—

“(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 **Amendments of the 2013 Regulations**

9.—(1) The Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013 (“the 2013 Regulations”) are amended as follows.

(2) For regulation 3 substitute—

“Meaning of “carrier bag”

25 3. In these Regulations “carrier bag” means a bag of any material supplied or designed for the purpose of enabling goods to be taken away or delivered.”.

(3) Except in regulation 1(1) (citation) and regulation 3 (meaning of “single use carrier bag”)—

30 (a) for “single use carrier bag” (whenever occurring) substitute “carrier bag”;

(b) for “single use carrier bags” (whenever occurring) substitute “carrier bags”.

(4) In regulation 6, for the words from “for the purpose” to the end substitute “at a place where goods are sold”.

35 (5) In paragraph 1 of Schedule 1 (exemptions)—

(a) in sub-paragraph (1), after head (k) add—

“(l) bags which are sold to customers for a price of not less than 20 pence each;

- (m) multiple reuse plastic bags that are issued as free replacements for a corresponding number of worn out multiple reuse plastic bags.”;
- (b) in sub-paragraph (3), after the definition of “medicinal product” insert—
 - “multiple reuse plastic bags” means bags which— 5
 - (a) are made wholly or mainly from plastic;
 - (b) have either maximum dimensions of 404 mm (both width and height) or a maximum dimension of 439 mm (either width or height);
 - (c) are manufactured from material which is greater than 49 10 microns in thickness;
 - (d) are purchased by the customer; and
 - (e) when worn out are returnable to the seller from whom they were purchased to be replaced free of charge;”.
- (6) This section comes into operation on 19th January 2015. 15
- (7) Nothing in this section affects any power to amend or revoke the 2013 Regulations.

Report on biodegradable carrier bags

- 10.**—(1) The Department must, within 18 months of Royal Assent, prepare a report on biodegradable carrier bags. 20
- (2) A report under this section must consider—
 - (a) the desirability of any exemptions on the grounds of biodegradability from the requirement to charge for carrier bags;
 - (b) the criteria under which any such exemptions should apply; and
 - (c) how any exemptions on the grounds of biodegradability proposed in the 25 report would be implemented.
- (3) The Department must—
 - (a) lay a report under this section before the Assembly; and
 - (b) publish a report under this section in such a manner as it thinks 30 appropriate.

Review

- 11.**—(1) The Department must, within 3 years of this section coming into operation, prepare a report on the operation of the charging provisions.
- (2) A report under this section must assess—
 - (a) the effectiveness of the charging provisions; 35
 - (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. 40
- (4) Subsections (1) and (2) do not affect the generality of subsection (5).

Carrier Bags

(5) The Department may at any time review whether any description of carrier bag should attract the requirement to charge.

(6) Expressions used in subsection (5) and in the charging provisions have the same meaning in that subsection as in those provisions.

5 (7) In this section—

“charging provisions” means section 77 of and Schedule 6 to the 2008 Act and any regulations made under those provisions;

“the Department” means the Department of the Environment.

Short title

10 **12.** This Act may be cited as the Carrier Bags Act (Northern Ireland) 2014.