



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Carrier Bags Bill: Informal Clause-by-clause
Consideration

17 October 2013

NORTHERN IRELAND ASSEMBLY

Committee for the Environment

Carrier Bags Bill: Informal Clause-by-clause Consideration

17 October 2013

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Ms Pam Brown (Deputy Chairperson)
Mr Cathal Boylan
Mr Tom Elliott
Mr Barry McElduff
Mr Ian Milne
Mr Peter Weir

Witnesses:

Ms Jennifer McCay	Department of the Environment
Mr Donald Starritt	Department of the Environment
Mr Simon Webb	Department of the Environment

The Chairperson: I welcome Simon Webb, Donald Starritt and Jennifer McCay. It is nice to see you all again.

The officials will outline the significant aspects of the regulations that will accompany the Bill and will then be available to comment on the key issues that have been raised. Let me remind everyone that this session is being recorded by Hansard. I invite the officials to speak about the regulations. You can give us a 10-minute presentation and answer questions afterwards.

Mr Donald Starritt (Department of the Environment): Do you want us to give a presentation on the Bill first?

The Chairperson: Yes. We have the regulations, and then we have the Bill. It would be better if you would clarify the regulations first. I was taken a little aback when I saw the regulations as well as the Bill in the members' pack. Members, a copy of the draft regulations is at page 81.

Mr Starritt: Before I go into the detail, I would like to address a question raised by the Committee last week in relation to a request for deferral of the implementation date. Deferral was asked for on two grounds: to give retailers a bit more time to prepare and to gather more evidence.

As we said last week, we have taken this to the Minister, and we have discussed the timing with him. We acknowledge that the Committee and the Assembly will need time to look at the Bill and the regulations that come from it. We also appreciate that retailers will need legislative certainty to make their preparations.

The Minister looked at this matter and has decided to ensure that there will be a two-month gap between making the regulations and the implementation date. Let me explain. The Bill that we are here to talk about, on a clause-by-clause basis, is, obviously, at Committee Stage. Assuming that it passes, we then need to bring a set of regulations to the Assembly giving effect to charging. We sent the draft regulations up today to give the Committee an idea of how we propose to use the powers in the Bill. Hopefully, the Bill will complete its passage through the Assembly by early next year. After that, we will have to wait for it to receive Royal Assent; and, after that, we can bring the regulations back. It is hard to judge the timing, but it might be March or April 2014 by the time the regulations come to the Assembly. We will ensure that there is a two-month gap between those regulations being made and their implementation date. It means that we cannot specify a date because we cannot predict how quickly the legislation will travel through the Assembly. However, the Minister has decided that he will make sure that there is that two-month gap.

Mr Weir: I appreciate that point. I have two points in relation to it. In the draft regulations, you have made some working assumptions that they will probably be made in February and come into effect in April. You have actually named that as a sort of a draft—

Mr Starritt: And that probably predates —

Mr Weir: OK. I understand that. The other thing is that I cannot remember the exact time frame. I suspect from what has been said by the retailers that — putting aside their wider concerns about the Bill — they probably still feel that it is far too short a time frame. I appreciate that this is maybe what the Minister has agreed.

The Committee Clerk: April was the original time frame.

Mr Weir: I appreciate that it has not been altered, but retailers were saying that there had to be a reasonable level of lead-in time. I think that they were talking about eight or 10 months to prepare for it.

Mr Starritt: I appreciate the point and would like to comment on it. We are saying that the Bill should, hopefully, be through by January 2014. Obviously, I cannot be precise. Once the Bill has completed its passage through the Assembly, there is relative certainty at that stage for retailers, because we have given the Committee the draft regulations and we have said what we are going to do with the powers. We would say that, from January 2014, there would be certainty for retailers about the direction of travel.

We still have to bring the regulations through. That is likely to be in March or April 2014. We will then allow a couple of months after that, so that you are really talking about June or July.

Mr Weir: I understand that. However, though you are talking about the regulations coming through in March or April; they will go through very quickly. That is the case with regulations; that is the nature of the beast. However, I suspect that retailers are not in a position to do anything until there is certainty. It could still be five months. Retailers were talking about 10 months.

Mr Webb: A range of figures has been quoted by retailers on the amount of time they need, depending on which one you speak to. One major retailer indicated that it could do it in three months.

Mr Weir: Yes, although the evidence that we have from others suggests that it would take longer than that. Let me put it this way: I appreciate that we are not looking at the regulations at this stage, other than out of interest. It is very useful that you have at least shared the draft regulations with us. It is helpful to see the full picture. However, the time frame concerns me, given the evidence that we have received.

Mr Starritt: I should also say that the Minister has asked us to clarify that we are still satisfied that the evidence justifies phase 2, the extension to low-cost reusable bags. The data we shared with the Committee last week bears out that original assumption, that we were going to need to extend to low-cost reusables. I cannot remember whether the chart showed it, but that data represents 168 retailers and 1.5 million bags. We asked a broad range of retailers to give us data. Not all have responded; they do not have to respond. However, it appears to us that sales of low-cost reusable bags have increased massively.

Ms Brown: Thank you for that. On your last point, about the graph you showed us last week; this is the first period of time after the introduction of the carrier bag levy. Surely, you would expect to see a massive rise in the purchase of bags for life and that type of product. That is what you were encouraging.

Mr Starritt: We expected an increase of 70%; that is what we built into our original modelling. Wales found that there was a 130% increase, but our figures at the moment are closer to 800%. We accept that those figures will probably come down a little, but it suggests to us that people are buying those bags in massive numbers but are not reusing them in massive numbers. That seems to be the experience.

Ms Brown: That is down to confusion. Consumers are not aware of the bag-for-life issue, or what a bag for life is. It is not common sense to think that a thicker plastic bag is a bag for life.

Mr Starritt: It is a communication challenge for us.

Ms Brown: There is need for a big PR exercise, which could lead to people reusing bags in the way that we want them to reuse them. At the moment, it is still very confusing. We should delay phase 2, not just for retailers but also for consumers, who have been very good, abided by the new laws and altered the way in which they shop. They should have extra time to allow the message to bed in and get used to reusing bags. It would also give retailers time to get the message out about how they want consumers to use and reuse bags. It is very confusing, and there could be a lot more clarity to help people. That would have a big impact on your figures.

Mr Starritt: I accept that we need to clarify that, and it has to be a key feature of the communication campaign. We feel that increasing the price is part of the picture, but only a part of it. We have to encourage people in the run-up to the implementation. Essentially, if they buy bags now, and if they buy bags for life, they will see no impact from the levy because they will be able to replace those bags. However, as you say, we have to make sure that they know that.

The Chairperson: It is not only that, it is the change of behaviour needed. People go to the shop and then it is a case of: "Oh dear, I have forgotten to bring my bag." They then buy reusable bags, take them home and put them in a cupboard. Then, the next time they go shopping, they forget to take them out of the cupboard. It is really to remind people to keep their bags in their car, handbag or whatever, and that when they go to a shop they remember to bring their purse — but also bring their bags.

Mr Weir: There is another issue. I can see certain elements of logic in that. However, it is a double-edged sword. There are two problems with cheap reusables. Clearly, the figures show that there is a problem with the volume of the cheap reusables purchased. To me, it also shows two other things. The Department originally estimated that there would be a 70% increase, but it turned out to be an 800% increase?

Mr Starritt: For these retailers.

Mr Weir: To my mind, it suggests that your prediction of consumer behaviour and action seems to have been very wide of the mark. To be fair, you probably had no opportunity to have that. You talked of a 70% increase, but it ended up being an 800% increase. Therefore, this slightly calls into question the Department's assumptions as to how further action would affect consumer behaviour and actions.

The other issue relating to this is Nisa's concern. I can understand the logic that says: let us get something done about the cheap reusables because, apart from anything else, people do not see them as reusables. Part of that comes down to education. The volume suggests that people are treating them, at best, as either slightly better single-use bags or limited-use carrier bags. They are using the bags perhaps two or three times.

The logic of putting a levy on reusable bags is that you are saying that what people should be doing is buying the sturdier, and slightly more expensive but ultimately much more cost-effective, bag for life. The logical response for anyone faced with a charge on a bag is that instead of buying a 10p bag, which they could use three or four times, they could buy a 35p bag and use it 100 times. However, that consumer choice has been there since the implementation of the 5p levy. If people are thinking

rationality and logically, they should be leaping straight from single-use carrier bags, because the others will be more efficient. However, people have not done that. If they are switching to the next cheapest bag, and if you add the levy to the cheap reusable bags and knock those bags out of the market, the danger is that instead of making the logical switch to a 30p bag, people may substitute the 8p bag with a 5p one.

I do not know whether, or in what volume, that will happen. The problem is that there does not seem to be a very robust economic model showing what will happen. We are unfortunately weak there. Even where levies have been brought in elsewhere, for example in Wales, there has been a package which has involved both single-use and reusable bags. A set levy was put on. Essentially, we are taking a leap of faith on one particular aspect. Knowing how weak the consumer modelling is, it will be very difficult to do. That is what I am concerned about.

Mr Starritt: I accept the point that we were wide of the mark with the 70% figure. Something similar happened in Ireland when they brought in the charge. They made predictions, a lot of which were based on surveys which asked people how they would behave. However, when they introduced the charge, people behaved completely differently to how they said they would behave. So, it is difficult to get the information. In fact, one report on the Irish study said, effectively, that sometimes with these things the only thing that you can do is to press ahead with your policy, but keep it under review and adjust it as necessary.

Mr Weir: To be fair, the captain of the Titanic thought the same thing. *[Laughter.]*

Mr Starritt: We try to do what we can, but we accept that we were wide of the mark.

Mr Webb: We have data from Wales for a full year of single-use charging that suggests that, over the full year after the introduction of a 5p charge on single-use bags, the Department's modelling has understated the increase in reusable bags but not quite as dramatically as these figures suggest. The Welsh increase over the year is 130%, so we are in the right sort of magnitude with the 70% estimate. In other words, it is around a doubling of the volume, give or take a bit, of the overall sales viewed over a full financial year.

Obviously, we have seen a huge increase in the first six months. The four retailers for whom we have the data were distributing less than 80,000 reusable bags a quarter, and that figure is now over 750,000 a quarter. It is a massive increase, and a lot of the big retailers are not included in the data. So, we have a very substantial increase. The bag-for-life policy is something that we want to encourage, as Donald said, and it will feature in our communication campaign. However, it will not necessarily have an immediate effect on this sort of sale; these are bags that will not have worn out yet. This is just the first six months. With a bag for life, you should be able to get a longer time out of it.

Mr Weir: I understand that. The problem is that it is very difficult to predict consumer behaviour. I am concerned that there should be unforeseen circumstances, or a situation in which the particular impact is not to push people towards the more expensive bag, which would be treated as a bag for life. A lot of this depends on how people treat the bag. There is a danger that the levy will simply shift consumer behaviour to the one-off bags.

Mr Webb: We do not so much want to drive shoppers to using the more expensive, more durable bags in the long run. It is just about reusing all bags, whether it is a single-use bag, a bag for life or a hessian bag. As you say, we cannot be sure which bags consumers will opt for. The point is that the reuse option is the free option; it has the lowest cost compared to all other options, which involve a new purchase.

The Chairperson: I have Cathal and Pam next. Are your questions about the regulations? If not, we can move to the clause-by-clause consideration of the Bill, and then your questions can come at that time.

Mr Weir: With the best will in the world, I think that the regulations and the clause-by-clause consideration will be closely intermeshed. It will be difficult to disaggregate them.

Mr Boylan: I would like to ask a question at this point. Donald, I have concerns that value for money is going out the window. If you are paying 8p, 20p or whatever it is, you have to give some

consideration to that. I encourage people to get a proper bag for life. The Department may have a different view.

I want to pick up on two points that I think are important. Retailers are not keen on this, as you know, and they have asked for an eight- or 10-month run-in period. They will wait until there is a definite date before they act. Even if you are saying January, for talk's sake, they will only regard the regulation as law when it is officially in. I am concerned about that.

This is my other point. Say, the Bill passes in January, and you give it to April, and then there is the two-month run-in period, which brings you to June: that will be running into the summer holiday period. Have you given any consideration to the time of year when this would be most effective? That is one element; the retailers and how they will run this out. Will you consider extending the period of two months? Another point is the interests of the consumer. I cannot remember the point at which you introduced the levy last year. Have you considered the time of year when the levy would be most effective, and when you can get the message out? Obviously, communication is a big issue here. It is one of the key elements. I suggest that you think about introducing the levy over the summertime.

Mr Starritt: All along, we have been working to the Executive decision and the Programme for Government (PFG) commitment, which is to introduce the levy on single-use carrier bags by April 2013 and on low-cost reusable bags by April 2014. So we have been working to those dates. On the single use, we did delay it for a week. That was in response to retailers coming to us and saying that 1 April was not a good day. Apart from the fact that it is April Fool's Day, it was also Easter Monday. We accepted that that was not a good idea, we worked with them and went back a week. We are certainly prepared to work with them as regards a precise date on which it happens. We do appreciate the need for a certain amount of lead-in time. There are obviously different views as to how much time they actually need and what work needs to be done, but we are certainly prepared to work with them.

The other thing I will say is that it is a two-stage process. There is the Bill, which comes through now, but the Bill in itself does not deliver reusable bag charging by April or June, or by any date. It simply gives us the power to bring forward regulations. Those regulations still have to be brought forward and will still have to be approved by the Assembly, so the Bill and the regulations are two different things. We need the regulations before implementation, so I suppose, in a sense, we are pushing that issue ahead of us.

Mr Boylan: In terms of the time frame and the communication, you do not see a problem over that period?

Mr Webb: The communication plan is just in the process of being finalised at the moment, and the project board is due to sign off on that next month. The intention is that there will be a communication effort around Christmas to remind shoppers about reusing bags — obviously with that being a particularly busy time of year — and making downloadable posters freely available for retailers to display in store. Obviously, in the build-up to implementation next year, there will be an increased campaign through a number of outlets, including social media.

I can say that there does not appear to be a dramatic difference in bag numbers between the quarter one and quarter two returns from the single-use levy. That suggests that, in relation to our timing next year for phase two, there will not be any particular issue with it being in the first quarter or the second quarter of the year.

Mr Boylan: Sorry, Chair, for labouring the point. I agree, but the issue for me is that there is opposition from retailers this time around, and, from my soundings of it, there certainly will be an issue with the general public about paying for reusable bags. I think it will be slightly different this time.

Mr Webb: We will have stakeholder exercises in the build-up to next year. We are going to have an event before the end of this year, and there will be a further event in the new year. The intention is to give retailers as much notice as possible and engage with them to ensure that there is not a clash with the likes of public holidays or particularly busy shopping days.

The Chairperson: At this juncture I want to welcome the children from St Michael's Primary School on the Ravenhill Road. Hello, everyone. You all look very attentive, listening to us. We are talking about the Carrier Bags Bill, which is a piece of law to say that, from next April, even if you or your mum or dad buy reusable bags, you have to pay 5p. At the moment we are charging 5p for the single-use

bags, like in supermarkets, where you have to pay 5p to buy a bag to carry away your groceries, but from next year we are hoping that you will also have to pay 5p for the bigger reusable ones. That is all to help the environment, because too many plastic bags are not good for us. We have to take them away to dispose of them, and most of them take hundreds of years to melt or be disposed of. They are not good for birds or for our environment. Thank you for coming to see us. You are very welcome to stay.

Mr McElduff: Chair, will you consult the young people? Maybe do a vox pop question as part of the consultation exercise.

The Chairperson: Do you think it is a good idea to have a levy — a charge — on plastic bags? Anyone who thinks it is a good idea, put up your hand. Good, good. There you go, Barry.

Mr Boylan: That is very important, Barry. You know who to blame now, children, if this is introduced. *[Laughter.]*

Mr McElduff: Anna Lo, Chair of the Committee.

Ms Brown: I will be as quick as I can. On the back of what you have been saying, I am just wondering something. I asked the Minister a question about eco-schools. He talked about two schools in Northern Ireland which had managed, through their eco-schools project, to send no waste to landfill. I think it would be great to have those schools in here, to tell us what they are doing. It would be very educational.

The Chairperson: Or for us to go and visit them.

Ms Brown: Absolutely. That would be fabulous. One of them is in Ballyclare, in my constituency. And obviously — *[Interruption.]*

Mr Boylan: Do not record that.

The Chairperson: The election is coming, is that right?

Ms Brown: I have two points. Although it has been mentioned before, I have heard no mention today of biodegradable bags. Is the Department giving any thought to the introduction of biodegradable bags, even for single use? The other point I wanted to make was about online shopping. That is obviously huge now, especially with the large grocery retailers and others. In this busy time of our lives, when the Assembly is in full swing, it is very difficult to go out and get groceries, so online shopping is a good thing. I have done it a few times, but I noticed that there was no option for me not to purchase single-use bags. That could be keeping up sales of single-use bags, given the amount of online shopping that we do now, when consumers cannot choose not to purchase the single-use plastic bags.

Mr Webb: In the case of online shopping, you are quite right. We want to see a reduction in the number of single-use bags in use for delivery. Ultimately, it is up to the retailer whether to continue to offer single-use bags on websites. In a lot of cases, the retailer will give you a choice: do you want a single-use bag or a bag-less delivery? We are aware of some retailers, however, who insist that a bag will come with your delivery. You will get a fixed number of bags associated, and you will pay a fixed charge. At the moment, that is currently within the retailer's gift, if they wish to do that, as long as they pass the charge on to you, the consumer. That has been the case since the single-use regulations were introduced. Certainly, any delivery coming from premises in Northern Ireland has to apply the levy if they dispense single-use bags.

The Chairperson: Can this apply to smaller ones? Say you are in a supermarket and you buy, for example, apples or pears, you get much thinner, smaller bags. You do not pay for those. Can they not put things into them, instead of charging 5p for bags?

Mr Webb: It is fair to say that, in a lot of cases, they do. They use the smaller bags to protect fruit and stuff. However, to aggregate the shopping and make it convenient for transfer from the van into the house, they tend to use a crate or carrier bags. Some prefer to use those carrier bags to keep the shopping separate for individual orders.

There has been a lot of correspondence with the Department about exempting or promoting biodegradable bags. At this stage, we do not advocate an exemption. From an environmental perspective, it is not how quickly the bag breaks down that is the main environmental concern. It is the production and transportation of the bag when it is being made, the pollution and resources involved in the production process. To that extent, a biodegradable bag is much the same as any other.

Donald, do you want to say a wee bit about biodegradable bags?

Mr Starritt: When the point was made before, it was partly about whether, if we were to continue having single-use bags, we could make them biodegradable. It is not something that we could do under this legislation. We would need to bring more legislation through to address that. We have concerns about it. We think it is difficult to establish a standard as to what constitutes "biodegradable".

We will be keeping an eye on the work being done in England, because apparently they are going to try to come up with, in their case, an exemption for biodegradable bags. The Department does not think that an exemption for bags would be the way to go. It would be good to at least encourage shops, to the extent that they have single-use bags, to make those biodegradable. If a standard is brought through we can possibly work with retailers to do something on that.

The Chairperson: The biodegradable ones melt away much quicker, I think — in months, rather than 500 years for a normal plastic bag.

Mr Webb: There is certainly a benefit in terms of litter in public spaces. That is one of the main reasons why you would want a biodegradable bag.

Ms Brown: If the introduction of biodegradable bags was looked at, it could be produced in a similar fashion to what we use to dispose of our food waste. In relation to communication, that would make sense to the consumer as well. If it was similar in look, feel and style, they would know how to dispose of it, which would be along with their food waste, grass and whatnot.

Mr Starritt: I think if we were to legislate in that area we would probably have to explore it with Europe. If we were effectively saying in legislation that a particular type of bag, i.e. non-biodegradable, was to be banned — I am not saying we could not do that, but we would need to understand the implications more than we do now, and to get a view from Europe.

Mr Weir: It may not be a question of banning it but of having a differential cost. Is there an internationally recognised standard of what counts, or do you think something can be developed that gives a reasonably clear-cut dividing line between what is counted as biodegradable? I appreciate that it is a spectrum in certain respects.

Mr Starritt: We felt that it would be difficult, but the work in England seems to suggest that it can be done. They are going to work with retailers. It is something that we want and need to keep an eye on.

Mr Webb: It is also quite a technical issue, because there is an important distinction between biodegradable bags and degradable bags. A lot of the carrier bags that you get now are degradable, and if you put them away in your cupboard for a year, when you go to lift them out they will break to dust, but, fundamentally, they are still made out of plastic, and those microscopic plastic particles blow off in the wind and enter food chains and the environment. So the bag has not completely broken down into a nice, neutral environmental substance in that sense. If you want something more along the line of the food bags, you are looking at something that breaks down organically and can go back into the soil.

The Chairperson: What about cost? Is it a lot more expensive for them? Would there be a carbon footprint from producing them?

Mr Webb: I am not aware of any big, dramatic difference in the cost of producing the bags themselves, although we have not collected a lot of data on that yet.

Mr Starritt: We have been told that it would be a bit more expensive, but we cannot really say definitively.

The Chairperson: Members, is it OK if we move on now to look at the Bill clause by clause? I will start by briefly reminding members of the issues that have been raised on each clause, and then, if there are questions, we will come back to you on each clause.

Mr Starritt: Chair, could we just give a bit of context to the Bill? It will just be one minute.

The Chairperson: Yes, sure.

Ms Jennifer McCay (Department of the Environment): Members will be aware of this already, but I briefly remind you that it is the Climate Change Act 2008, which is a UK-wide Act, that provides the basis for the whole charging regime in Northern Ireland. That Act was amended by legislation that was taken forward by a private Member, the Single Use Carrier Bags Act 2011. That amended the Climate Change Act to allow the Department to collect the proceeds from the levy, which the original Act did not allow, so we could not just use it directly. Once that Act was made, the Department went forward with the Single Use Carrier Bag Charge Regulations 2013, which allowed charging to be introduced last April.

This latest Bill will make further amendments to the Climate Change Act, so it is an amending piece of legislation. The two main things it does are to allow the Department to extend the charge to a broader range of bags and to allow those bags to be defined by price, neither of which is possible at the moment. This is how the regulations fit in. We intend to use the new powers, assuming the Bill goes through, to revoke the 2013 regulations and make new regulations which will extend the levy to bags priced at less than 20p. The levy itself will remain at 5p. As you mentioned earlier, Chair, we have provided the Committee with a copy of the draft regulations. That was made using the powers in the Bill. The presumption is that those powers will be as they are in the Bill. We have gone through the regulations and highlighted the key changes from the current regulations. The changes are quite minimal. The regulations are mainly like the 2013 ones and there should be no surprises there for members, but we are obviously happy to discuss any aspect of those. So that briefly sets the context for the primary and subsequent subordinate legislation.

The Chairperson: If Members are OK with that, we will move on to the clause-by-clause consideration of the Bill itself. This is the initial consideration of the clauses, to establish whether members have all the information that they need, if they think that clauses may need to be amended, or if they require any further information from the Department. The Department has already responded, in writing, in the summary table in your master file.

I will start with clause 1, "Extension of the 2008 Act to carrier bags". It represents a major change in current policy by omitting the term "single-use" from carrier bags subject to the levy. Concerns expressed in opposition to the extension on cheaper reusable bags are: the first phase of the levy has not yet had a chance to bed in, so there is a lack of hard evidence about the consumer behaviour; consumers may be confused by an extension of the scope of the Bill to reusable bags for life — also mentioned earlier by the members; the proposed timescale for the introduction of the Bill does not allow significant time for consumer education or for retailers to change their IT systems or the training of the staff; there is confusion around the type and size of bags that the levy will apply to, encouraging consumers to purchase heavier, more expensive plastic bags which are not replaceable bags for life and which need to be reused many times to minimise the environmental impact; and the Bill does not promote the use of biodegradable bags, nor does it propose an outright ban on single-use bags. All those were mentioned earlier by members.

There is no specific clause indicating when the provisions of the Bill will commence. It will come into operation on the day on which it receives Royal Assent. That is correct, is it not? There is no commencement date.

Mr Starritt: That is right, Chair. It is important to say that this clause, and indeed the Bill itself, does not achieve the extension. It only gives us the powers to do it. We still need the regulations. In terms of the timing etc, the earlier the Bill comes through, the quicker we could — in theory — bring in implementation. However, the Bill itself will not do that. We will still need the regulations.

The Chairperson: You said that the regulations will come two months after the Bill receives Royal assent?

Mr Starritt: The Department's view is that, assuming that the Bill completes its passage, we will bring the regulations through as quickly as possible, and then allow two months. That is correct.

The Chairperson: Have Members any questions?

Mr Weir: I have one question. A lot of the ground has been fairly well covered, and on that basis I have only two points. The first is about the timescale, and I appreciate that this may not be the Department's view.

There is one possible way to get around the implementation side of it. There are some concerns. It could be dealt with by regulations. It could be that a timescale is agreed, or there may be the possibility that, if the Department brings forward a timescale that we do not agree with, we may refuse to put the regulations through until we feel that. One other possible way for the Committee to deal with the timescale — one possible amendment — might be to say that regulations bringing this into operation shall not be in operation until, say, for the sake of argument, eight months after Royal Assent. That could be one route.

The other point and the broader concern, leaving aside the other issues that have been discussed is that there is a lack of confidence in the certainty of how this will operate in practice. It may not be so much from the point of view of a direct amendment as such, but I wonder whether the Department could provide some kind of indication in writing of how it intends to monitor the use? You have figures, but we want to see how robust those are and what the monitoring arrangements are. Largely speaking, the purpose should be to re-educate people and shift consumer behaviour, but I wonder whether your projections are based on a certain indication of how many single-use and how many cheap reusable bags are being used at present, how many that would be above the threshold and what the monthly or quarterly tracking figures of those are?

If, for the sake of argument, this was put in place, and a year down the line from the implementation, we could see, in terms of the way that the figures had gone, that 250,000 cheap reusable bags were being used instead of three quarters of a million, and that there had only been a marginal increase in the single-use bags — in net terms, it had actually shifted largely the other way — we could have some degree of reassurance, at least. Can we have information in writing on how you do the monitoring, or if indeed there are other ways of doing it that could beef up that side of things?

As I said, my biggest single concern, leaving aside the implementation issues around education and getting the timescale right, is whether there will be unforeseen circumstances. It could actually be counterproductive, in certain regards. If we could see what monitoring arrangements there are, and therefore some sort of review on that basis, it might be one way to at least look at that as a possibility. Now, it might be that when you come back and tell us what your monitoring arrangements are, that only leads to greater uncertainty or ill feeling, but, without prejudice to the clause, I think that that information would be helpful to the Committee.

Mr Webb: The IT system has been built to allow for phase 2 already, so in that respect, the IT system does not need any further amendment. When a retailer logs on, they are currently asked how many bags they have dispensed at the 5p level and how many they have dispensed for more than 5p. That will continue to be the case in phase 2. Typically, the first of those entries are single-use bags and the second will be predominantly the low-cost reusable bags that are now being —

Mr Weir: Yes, but are you going to ask for a differentiation between low-cost reusable bags and the ones that are outside the threshold?

Mr Webb: No, there would be no statutory obligation on retailers to declare the higher-end reusables.

Mr Weir: Could you at least put some mechanism in place to monitor that? If one of the impacts is that this hopefully shifts people towards using more reusable bags or at least slightly higher-quality ones that fall outside the levy, that would be a shift in opinion. Now, if consumers are essentially shifting from using an 8p bag to using a 25p one, but all that shows up is that prior to this, one bag was purchased and after it, one bag was purchased, that does not really help us. I am just wondering, and it may not be that there is a statutory requirement, but presumably there can be some way of monitoring or at least channelling the information as to what the impact is on consumer behaviour. I think that if we got some sort of —

The Chairperson: I am sure they could do it. It is just a matter of how many you have bought from the manufacturer and how many bags are left behind.

Mr Starritt: We would certainly be very keen on that. Assuming that all this goes through, there is still a commitment to review it, so we need as much information as possible to get that review right.

Mr Weir: It does not have to be a computer system that logs every single bag in terms of what category it falls into. Take the Chair's point: you could get information that, this month or this quarter, the various shops have purchased so many bags at such-and-such for consumers' use. That presumably —

Mr Webb: Absolutely. Technically, that can be done. The data from retailers is certainly available. It is just that we would have to rely on retailers voluntarily sharing the information on higher-end reusable bags with the Department.

Mr Starritt: We mentioned the 168 outlets and the 1.5 million bags, but I should say that we asked many more retailers than that for information. What we have presented is just the returns that we got. A considerable number of stores have not come back to us as yet. Again, to some extent, we are relying on them for that information. As Simon said, there is a certain amount of information that has to be captured on the database. We would have liked to go beyond that, but we did not want to make the requirement any more onerous on retailers than it had to be. However, we will continue to ask for that information.

The Chairperson: That is it. That is what we were saying — the lack of data. You do not really have enough time to look at and collate all the data, because some of them have not returned it to you. What we are seeing now are the initial reactions to it. We are not seeing the levelling out of people buying or using reusable bags. It is a very short time in which to do the research and look at the trends overall.

Mr Starritt: The other thing is that we have been keeping an eye on the position in Wales. Obviously, they are a bit ahead of us in introducing this charge. They have been looking at our proposals with interest. I understand that they will be coming to some decision on that very soon, within the next week or two. As soon as we get information on the decision, I will share that with the Committee.

Ms Brown: I just had a thought about what Peter said in relation to how the bags are monitored. I was trying to think of a way to fight through this confusion about the bags. The energy efficiency ratings — A, B, C, D, E, F and G — are quite easy to grasp. What is good? When you go to buy a new fridge, you know whether it will use less energy and be better for the environment or whatever. I just wondered whether you could do the same with the bags, from single-use bags right through to the best types of bags. People would know clearly, then, which bags you are encouraging them to use and purchase. I think that it is so confusing. The whole bag-for-life issue — the 10p that you can take back and replace — does not really make sense to me. That should be —

The Chairperson: Too good to be true.

Ms Brown: Yes. It does not really make sense, because it is not a bag that people really want to reuse an awful lot. It is not for me to tell the retailers what to do, but, to me, it would make more sense if it was a much better bag at 50p, £1 or £1.50 that they were offering to replace. That is obviously not being encouraged. To me, a bag for life is a good, thick, hessian bag that you pay money for and that you actually like the look of, as opposed to a bag that gets a bit tatty after a few goes. I think that that would make more sense. So, I just wondered whether the Department had looked at the idea of introducing some kind of grading that might make communication easier.

Mr Starritt: We can certainly look at that.

The Chairperson: That is a good idea, Pam. We talked last week about maybe telling the retailers not to use the phrase "bags for life" but to use "replaceable bag" or whatever to make people understand that you can bring it back in exchange for a new one.

Mr Starritt: That is a decision for the retailers rather than us, but I entirely take the point.

Mr Webb: It is certainly a message that we can bring back to retailers in future stakeholder engagement to see whether we can convey it to the public more.

The Chairperson: Do members have any more questions on clause 1?

Mr Boylan: Pam highlighted that there is going to be a lot of confusion. We need to be very careful about the message that we put out in communications. We were talking about a 10p bag and a bag for life. I would encourage people to buy a proper bag, to be honest, but that is my personal feeling. I have concerns, and I think that the retailers need a bit of time to sort themselves out so that they can roll this out. However, I am looking at it from a consumer's point of view, and there needs to be a proper message.

Mr Webb: The Department's message to consumers is that they should purchase new bags only when they absolutely have to and reuse existing bags as much as possible, regardless of whether it is a bag for life, a single-use bag, a hessian bag or a cloth bag.

Mr Starritt: We are not especially keen on people buying the low-cost bag for life. If they use them the way they want to, it will not bring the money to the Department anyway. We really want them to reuse whatever bags they want to use. However, I take the point about the stronger bags.

The Chairperson: We should take away the description of single-use bags. We should say that people should continue to use them but not for single use.

Mr Webb: To some extent, this legislation will do that, in the sense that it will, largely, do away with the distinction and will be price driven. Anything that is under 20p will have the levy added, and anything above 20p will not.

Mr Milne: What are we doing that is so different from, say, what is happening with the Welsh experience that means that we are finding this type of problem?

Mr Starritt: I suppose Wales started in the same way that we have. In their view, the charge on single-use bags was the way to go. We looked at the Welsh experience and at that in Ireland. I have to say that it took a wee while for us to come to this conclusion after a bit of research, but, for the reasons that we outlined, we felt that we needed to go to low-cost reusables. We understand that Wales are looking at that again. I expect to know in the next week or two; it may be that they decide to go in the same direction as us, but I do not know for certain yet.

Mr Webb: I think that it is fair to say that Wales have the same problem. Reusable bag sales have exploded there as well; they are up over 130% over the financial year since they brought in their own charge.

Mr Milne: A family might have someone who is organised to go shopping once a week, but there are occasional shoppers who will always see 5p as nothing. They will continue paying for the 5p bags regardless of what type it is. Does that not defeat the purpose a little bit?

Mr Webb: I agree to the extent that we cannot be sure how every individual consumer will react. Shoppers will react differently, but we perceive those shoppers that you were talking about to be at the fringes. For example, only 3% of people who were surveyed in June indicated that they would continue to buy single-use bags. The number of people indicating that they would continue to do that is very small and contained. We would say that the bigger effect of the extension of the levy would be to bring reusable bag sales down, which would be better for the environment, and to encourage greater reuse. All bags being reused produce a better environmental result.

The Chairperson: It is probably going to be an easier message to sell to say that all bags are valuable and should be reused than to say that we are charging for reusable bags.

Mr Elliott: People's reverting to the 5p bags has been highlighted. What about the Welsh model, which Ian mentioned. Have they not tried to do something about the cheap reusables?

Mr Starritt: Our understanding is that, because they have had a 130% increase in sales of reusable bags, they are concerned about that and are reacting. We do not absolutely know yet how they are going to react. I expect to know in the next week or so, and we understand that we will know by at least the end of the month.

Mr Elliott: How does our usage of reusables compare with theirs?

Mr Starritt: I have to say that my response is based on the limited data that we have, but our figures appear to be much higher than the figure that they quote. Our usage of low-cost reusable bags appears to have gone through the roof.

Mr Webb: The time frame is different. Our figures cover only the first six months. There is a full year's data for Wales, so they have a bigger picture. If we are still seeing a 130% increase after a year, that means that there are millions of additional reusable bags, which are typically three times the weight of a single-use bag. If those bags are just being thrown out, you are losing a lot of the environmental benefit that you got from the single-use levy. In Wales, they estimate that they are losing about a third of the overall benefit that they got from their original levy because of the spike in reusable bags. So, it will have a big impact on the overall outcome.

The Chairperson: It is the substitution effect.

Mr Milne: Will it not become established here that people who go and shop — not the organised family shopper but occasional shoppers — will just go ahead and pay 5p for the bag? Is that not defeating the purpose? You would be better setting a cut-off date for the use of all those bags, charging £1 or £2 for them, or doing something that makes people sit up and say, "I need to remember to bring a bag with me."

The Chairperson: I do not know.

Mr Weir: We could table an amendment for that. His last act as an Assembly Member. *[Laughter.]*

Mr Milne: I understand, but it will establish itself here that people will just pay 5p for the bag, whether it is reusable or not. That is what will happen from here on in. I do not see you overcoming that. What was the purpose of the 5p in the first place? Was it not to bring it to people's attention that something is happening? It was like a shock. That has now settled, and it has just become a way of life. It is not a case that people do not forget their bag; they just do not have one.

Mr Webb: I do not anticipate a big rush back to single-use bags because of an extra 5p levy on low-cost bags. In Ireland, where the levy applied to all bags from the outset, they have achieved massive reductions in single-use bag numbers. So, I do not anticipate a surge in demand for single-use bags.

The Chairperson: OK, members. I think that that is the clause that people have the most issues and contention with. I was happy to spend some time on it. Are members content with the explanations that the departmental officials gave? Do you feel that you have enough information? Do you feel that you want to ask for an amendment? As Peter said, we could ask for an amendment to the timescale.

Mr Weir: We could maybe ask for something about a timeline to be drafted.

My other point is in response to what Tom said; it is not about an amendment. I think that Donald mentioned that the Department anticipates, within the next week, or certainly by the end of the month, having more information on what Wales intend to do. It would be helpful if the officials could bring that back.

Mr Starritt: We are happy to do that.

The Chairperson: We will move on to clause 2, which gives powers to the Department to increase the minimum amount of the levy through affirmative regulations and to exercise discretion in how it applies the charging requirements. Issues raised about clause 2 include the comment that there is no need for it for the same reasons that were outlined for clause 1, which is that there is no hard evidence of consumer behaviour. Another view is that current charges are adequate to create an incentive to reuse bags without adding to inflation. I know that you have covered that before, but maybe you will come back to it quickly for us.

Mr Starritt: Sure. We are not actually using the power to increase the minimum amount. The power is there, but we are not using it. At the moment, the levy is staying at 5p.

Clause 2 also talks about the procedure for regulations under the Act. Our regulations will be subject to draft affirmative procedure, so they will be brought to the Assembly.

The Chairperson: So, they will come to the Assembly and the Committee. Are members content with that?

Members indicated assent.

The Chairperson: Let us move to clause 3, which deals with the requirement to charge. It clarifies that the charge will apply to bags whether they are used to carry away goods and provided that they are capable of being used to do so. I think that members are fairly content with that. Maybe you could just explain that to us. The only stakeholder comment on this clause was from NILGA, which was broadly supportive of the clause.

Shall we move on?

Mr Elliott: Can I just ask whether that provision is already in legislation?

Mr Starritt: The way that the legislation is phrased at the moment means that it covers carrier bags that are used for the purpose of taking away goods purchased. That is generally what single-use bags were being used for. We anticipated a possible loophole, in that people could say, "I am actually not using these bags. I am taking this handful of bags with me, but I am not using them to take away goods purchased, therefore I do not need to pay the levy." So, the bags could go out the door, and you could put your goods into them outside. In a sense, I suppose we are trying to close the loophole before anybody opens it.

Mr Elliott: That is quite interesting. I would have thought that that would have been an automatic issue in the legislation. Maybe we will have a flood of people going into supermarkets and asking for single-use carrier bags and putting them in their pockets and baskets. Maybe they will just come in and fill their bags for life with single-use carrier bags.

The Chairperson: They might say, "I am not using them yet, so I am not paying for them".

OK. We are closing a loophole. Do members agree with that?

Members indicated assent.

The Chairperson: Let us move on to clause 4, which deals with sellers. The clause gives the Department the power to specify retailers by the number of full-time or full-time equivalent employees that they have. The Northern Ireland Independent Retail Trade Association (NIIRTA) agreed in principle with clause 4, but it urges the Minister and Department to consider using this statutory power to offset some of the more burdensome elements of the Bill on the smallest retailers. I suppose that that is quite a sensible suggestion. What would you say to that?

Mr Starritt: This was a decision from the outset. We are similar to Wales and to Ireland in this respect. We felt that, for the charge to be applied equitably and most effectively, it needs to apply to all retailers. We have tried to keep the compliance arrangements as straightforward as possible. We also contend that there are savings for retailers in that they have to buy significantly fewer single-use bags at the moment. I think that, for smaller retailers, it is really the single-use bag charge that affects them, rather than the charge on low-cost reusables.

Ms McCay: I will just add to that. The view was that a carrier bag has the same environmental impact whether it is used in a newsagent or in a supermarket. That was one reason.

The other point is that this is just future-proofing. Later clauses show that there is provision and requirement for review, and if a decision is taken at a later stage to make smaller retailers exempt in some way, it will make it easier to change. However, as I said, there are no plans at the moment for that. If there were, it will be easier to do it through legislation in the future. It is just putting the power there.

Mr Starritt: It gives the Department the ability.

The Chairperson: Are all retailers subject to this levy? Does it mean that small corner shops, newsagents and anyone who hands over a plastic bag will have to do that?

Mr Starritt: Yes. That is right.

The Chairperson: I was a bit confused about why you wanted to put that in, but I see that it is just future-proofing.

Ms McCay: There is a requirement to review, so, if a future Minister decides to make any changes, that can be done more easily than going back and making future primary legislation again.

Mr Starritt: In theory, it would allow us to make different arrangements that are not necessarily complete exemption for smaller sellers.

The Chairperson: In a camera shop or whatever.

Do members think that we need more information or should have an amendment? No. Are members content with that?

Members indicated assent.

The Chairperson: Clause 5 is entitled "Payment of the charge". The clause gives the Department powers, through affirmative regulations, to stipulate how the proceeds of the levy are to be paid over and to charge interest on payments received late. NILGA gave the clause a cautious welcome but urged the Department to ensure that the provisions are practical. Other comments on the clause include that small businesses will be penalised to a greater extent than larger businesses by having to pay interest and that it makes the levy appear more like a tax-gathering exercise than an environmental measure. Others said that there is no information on the environmental projects to be supported by the levy and asked whether they are local, identifiable and additional and whether local retailers have been consulted. We touched on that before. The Minister recently issued a press statement to say that £1 million will be given to the challenge fund from the levy, but, if I recall correctly, the Department has been giving £1 million to the challenge fund for the past two years anyway from its own budget.

Mr Starritt: My understanding is that it was given £250,000 in previous years. It is not my area in a sense, but my understanding is that the fund was there. It was funded initially as a pilot project.

The Chairperson: So, was last year only the second year?

Mr Starritt: That is right, and the money that came from that was the result of a bid made by the Department; it was not from the mainstream budget. It was extra money, and it is extra money that we would not have had this year. So, in a sense, that £1 million is full additional money. That is my understanding.

The Chairperson: Will you consult people about what projects should be funded?

Mr Starritt: The point was made last week that there are certain difficulties with timing, and there is a need to get the money out in the year that it comes in. This year and in future years, it is a matter of looking at how much money is coming in and trying to factor how that is likely to look in annual receipts and then making arrangements to get that money paid out. The Minister is looking at funds that already support the type of environmental projects that we want to support, that have robust arrangements in place and that can ensure fair treatment of applications rather than a knee-jerk reaction. As things stand, we are trying to use a mix of new and existing funds and have robust mechanisms to show how the money is allocated.

The Chairperson: The challenge fund is a very good programme, and it is up to mostly voluntary or local community groups to bid for the funding. In a way, that answers the queries about whether the projects are all environmental. It is more grass-roots endeavours. It was quite clever of the Department to come up with that. Are members content with that clause?

Members indicated assent.

The Chairperson: We move to clause 6, which is entitled "Carrier bags defined by price". The clause extends the definition of carrier bags to be specified by price, as well as the existing technical specifications. The Minister indicated that there will be a 20p minimum price threshold. One comment welcomed the measure as the introduction of a standard reusable bag. Concerns were raised that the threshold may lead to reactive pricing — that is, if someone charges 21p for a reusable bag, all of them will become 21p — and that a maximum price threshold has not been stipulated. Can you comment on that?

Mr Webb: I am not sure that a maximum price threshold would be required in this instance. The point is that this is a line in the sand between those bags that attract a levy and those that do not, so you only need that particular one. On a point of clarification, it is bags at 20p and above that will not attract the levy; it is those at 19p and below, theoretically, that will. So, you might get a lot of 20p bags rather than 21p bags. That said, it is a matter for the retailers whether they wish to price their bag at 20p and whether there will be sufficient consumer demand, given the quality of that bag. That will be subject to market forces. If anything, it should ensure that we get quality carrier bags that are durable and reusable.

The Chairperson: Does that clause — or maybe not that clause — give power to vary or increase the minimum charge at some stage; to increase it along with inflation, for example?

Mr Starritt: The power to do that is in an earlier clause.

The Chairperson: Is it clause 5? Sorry, we might come to that later. It just came into my head.

Mr Starritt: I just cannot put my finger on the clause, but we do have the power to do that. It is in the original Climate Change Act.

The Chairperson: OK.

Mr Elliott: It is very difficult to sit here in a Committee meeting and realise what a 20p bag is. I know that we have had invitations from some of the companies to go and look at bags —

The Chairperson: The consortium.

Mr Elliott: — but I think that we broadly said no to that at this stage. To be fair, I do not think that it is up to the Department to bring us samples, but it would be useful to see a 20p bag and a single-use carrier bag. For someone like me who perhaps does not have the opportunity to carry them too often because of the levy —

Mr Boylan: Especially if you do not have a handbag.

Mr Elliott: It might be useful to see them in reality, just to have a feel of what they are like and the difference in them.

The Chairperson: Maybe to go not even just to one but to a number of supermarkets — do the shopping for Tom.

Mr Weir: With respect, I do not know that you need to go to a range of supermarkets. All we actually need — I am sure that the Committee budget could afford this — is to purchase a small range of the bags and physically pass them around. I am just conscious of the best use of time.

Mr Elliott: I am not suggesting that we go out —

Mr Weir: I have a pound in my pocket if you want to — *[Laughter.]*

Mr Boylan: We will toss a coin to see who keeps them after.

The Chairperson: Fair enough; good idea.

Ms Brown: I propose that all the male members of the Committee cough up for the bags, because they do not know what they look like.

Mr Weir: I think that that is a very sexist assumption. *[Laughter.]*

The Chairperson: Ask them to guess how much they are.

Mr Boylan: Unfortunately, Chair, we cannot take ours in a handbag, so we are going to have to figure out some other way of taking our reusable bags.

Mr Elliott: In fairness, I could bring in a range of bags, but I just do not know whether they are reusable, whether they are bags for life or whether they would generally be more than 20p.

Mr Weir: I am not sure that you are digging yourself out of that hole, Tom, to be honest.

Mr Elliott: I am only making the point.

The Chairperson: Tom wants us to get a range of all the bags of different values.

The Committee Clerk: Is it just reusable ones, or all of them?

Mr Elliott: No, I think that we should look at the single-use ones and see what would be termed a very cheap reusable bag, which maybe only costs an extra 10p. Something that is in or around 20p could be used, and then something that is better quality again.

Mr Webb: You may also wish to clarify with the retailer at that point whether it is a bag for life. So, if it is 10p or 15p, is that replaceable as well?

The Chairperson: Do they have a label on them saying that it is a bag for life or that it is exchangeable?

Mr Webb: Yes, quite a few of them do, but it is in relatively small print along the bottom of the bag.

The Chairperson: OK. Are members happy?

Members indicated assent.

The Chairperson: We will move on to clause 7, which deals with records and enforcement. The clause gives the Department power, through regulations, to require retailers to keep certain records, which must be produced to the Department on request. Comments on the clause included that small businesses should be exempt from the requirement as it adds to the administrative and regulatory burden, and that the power contained in the clause should be strengthened to enable the Department to exempt small businesses in future.

Mr Starritt: My main comment is that that is something that retailers will have to produce anyway. If they are paying the money to us, they will have to keep a record of how much they have to pay. I am sure that most of them will want to do that. All that we are doing is tightening up the legislation to make that a requirement. It is information that the retailer will have and will give to the Department, and the Department will then have it on the system. It is really just to show an audit trail if there are any checks on the bags being purchased, the bags going out the door, or payments being made to the Department. It is not an onerous requirement at all.

The Chairperson: At the moment, they have to fill in online the number of bags that people purchase. What other information do they need to give you?

Mr Starritt: It is basically the number of bags and the price of them.

Mr Webb: In the quarterly return, once the retailer logs on, they have to enter information in two boxes: how many bags were dispensed at 5p and how many were dispensed for more than 5p in the quarter. That is all you need to do, and you then make your payment. They will need to keep other

records for audit checks. If a customer relation manager were to call in and ask to see those records, they will need to have a record in their shop of the number of bags that were dispensed so that it supports the return that they made to the Department.

The Chairperson: What additional records might you ask them to produce?

Mr Webb: In the case of a small local retailer, if they have kept a paper record or log of the number of bags dispensed each day, they will have till receipts and evidence of that nature.

Mr Weir: Would the system not have to be varied? You have to give slightly different information in the system about reusable bags up to 20p. Presumably, if they dispense 1,200 bags above 5p in one quarter, some of those will be above the 20p and are not part of the levy.

Mr Webb: You are quite right. The definition must be "above 5p", but —

Mr Weir: It is "above 19p", actually.

Mr Webb: Indeed. It has to take account of that. At the moment, we have to be clear that we are asking for only the number of bags that they have applied the levy to.

Mr Weir: The question needs to be slightly adjusted.

Mr Webb: Indeed. It is a two-second IT adjustment.

The Chairperson: Are members content with the explanation?

Members indicated assent.

The Chairperson: Clause 8 concerns civil sanctions. It removes the requirement for the Department to lay in the Assembly a review of the operation of civil sanctions where there has been a breach of the carrier bags regulations. That has, effectively, been replaced by clause 9, which requires the Department to lay a report before the Assembly, within three years of the commencement of the Act, that assesses the effectiveness of the legislation and the need for any amendment. Is that correct? Is clause 8 effectively replaced by clause 9? I do not quite understand.

Ms McCay: In the Climate Change Act, there is a requirement for the civil sanctions provisions to be reviewed after three years.

The Chairperson: What type of sanctions would that be?

Ms McCay: If somebody breaches the legislation, a sanction is placed on them. That is either a financial penalty or a non-financial penalty. The Department needs to look at how those are used and how many are being issued. It needs to assess how the monitoring arrangements and sanctions arrangements are working in practice. At the moment, the Climate Change Act requires the Department to do that and to lay a copy of that review before the Assembly. The Department plans to fulfil that requirement to review the civil sanctions as part of the wider review under clause 9. So, we no longer think that it is appropriate that the Department would have to lay that civil sanctions review before the Assembly. The review will have to be laid before the Assembly, so it is only a minor amendment to the Climate Change Act in that respect.

Mr Starritt: In a sense, the two clauses really need to be read together, because there is still a requirement to lay a report before the Assembly, so it is not any sort of diminution in the transparency of the accountability.

The Chairperson: You are already doing a bigger review. That is fine. Are members content with that explanation?

Members indicated assent.

The Chairperson: Moving on, I am sure that everyone is content with clause 10, which is the short title.

Mr Elliott: I would not be so sure. We usually find something.

The Chairperson: I want to check something with you. We received some information to say that the Department may want to propose an amendment about a review of all the exemptions that are currently proposed or in operation. That has come from a request from the Office of the First Minister and deputy First Minister (OFMDFM).

Ms McCay: Yes, Chair, we are finalising the wording of that now. We hope to have the wording of the amendment with you within the next week or so, certainly before the end of Committee Stage.

The Chairperson: Previously, we discussed looking again at the exemptions, because it causes confusion at the counter when people are dishing out bags. For example, if you are buying hot food, you do not pay 5p, but, if you are buying cold food, you pay 5p. One of my experiences is that if you buy sandwiches and a pack of salad for lunch and want a bag, you pay 5p, but that if you want sandwiches and a pot of soup, you do not pay 5p. There is total confusion among people who are queuing up.

Mr Weir: We will not rehearse this one again.

Mr Boylan: Do not ask what flavour the soup is.

The Chairperson: We will wait to see that amendment coming through.

Thank you very much indeed. We think that we may not now be having the formal clause-by-clause scrutiny from next week.

The Committee Clerk: The original timescale was that we would move into formal clause-by-clause scrutiny at the Committee meeting next week. Do you want to leave that until we get the rest of the information?

Mr Boylan: There are that many amendments coming through that we need to leave it.

Mr Weir: It could be left until the week after recess, because there are a couple of items that we are getting information back on.

The Committee Clerk: That is 7 November.

The Chairperson: Yes, we will leave one week and do the formal clause-by-clause scrutiny the following week.

Mr Boylan: It is in the bag after that, Chair.

The Chairperson: Thank you very much indeed.