



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Carrier Bags Bill: Formal Clause-by-clause
Scrutiny

21 November 2013

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Members present for all or part of the proceedings:

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

The Chairperson: Today is our last opportunity to discuss the clauses of the Bill. Any decisions made today will be final. We are going to write up the report.

We are broadly content with the Bill, as drafted, but there have been some concerns about the clarity of the date. The Department has agreed to draft an amendment to specify a firm date for phase 2 charging to begin. Subject to sight of that amendment, we are broadly content with the Bill. Are members content?

Mr Weir: I agree with that, but, following the earlier discussion, do we need to put it on record that our understanding is that the agreed date would be in January 2015?

The Chairperson: We can do that; there is no objection to that. Following our discussion, members are content that the first Monday in January — 5 January 2015 — could be the starting date.

Clause 1 (Extension of the 2008 Act to carrier bags)

The Chairperson: Clause 1 represents a major change in policy by omitting the term "single use" from carrier bags subject to the levy. Members were content with clause 1, as drafted, but wished to delay the commencement of the Bill. We have now considered the Department's proposal for an amendment. The Bill Office has provided us with the wording of a Committee amendment. We will keep that in case we need it, although we do not need to table it if we decide against it. We reached agreement on an amendment to the clause. The Department says that it will not amend clause 1, and a new clause is coming for the commencement.

Question, That the Committee is content with the clause, put and agreed to.

Clause 2 (Regulations under Schedule 6 to the 2008 Act)

The Chairperson: The clause gives power to the Department to increase the minimum levy through affirmative regulations and to exercise discretion in how it applies the charging requirements. Members previously indicated that they were broadly content with the clause.

Question, That the Committee is content with the clause, put and agreed to.

Clause 3 (Requirement to charge)

The Chairperson: The clause clarifies that the charge will apply to bags whether or not they are used to carry away goods, provided that they are capable of being used to do so. We previously indicated that we were broadly content with the clause.

Question, That the Committee is content with the clause, put and agreed to.

Clause 4 (Sellers)

The Chairperson: The clause gives the Department the power to specify retailers by the number of full-time or full-time equivalent employees that they have. Members were broadly content with the clause.

Question, That the Committee is content with the clause, put and agreed to.

Clause 5 (Payment of the charge)

The Chairperson: The clause gives the Department the power through affirmative regulations to stipulate how the proceeds of the levy are to be paid over and to charge interest on payments received late. We did not have any concerns about this clause.

Question, That the Committee is content with the clause, put and agreed to.

Clause 6 (Carrier bags defined by price)

The Chairperson: The clause extends the definition of carrier bags to be specified by price as well as by the existing technical specifications. The Minister has indicated that there will be a 20p minimum price threshold. Members previously indicated that they were broadly content with the clause.

Question, That the Committee is content with the clause, put and agreed to.

Clause 7 (Records and enforcement)

The Chairperson: The clause gives the Department the power through regulations to require retailers to keep certain records that must be produced to the Department on request. We previously indicated that we were broadly content with the clause.

Question, That the Committee is content with the clause, put and agreed to.

Clause 8 (Civil sanctions)

The Chairperson: The clause removes the requirement for the Department to lay before the Assembly a review of the operation of civil sanctions where there has been a breach of the carrier bags regulations. Members previously indicated that they were broadly content with the clause.

Question, That the Committee is content with the clause, put and agreed to.

Clause 9 (Review)

The Chairperson: The clause requires the Department to lay a report before the Assembly within three years of the commencement of the Act, assessing the effectiveness of the legislation and the need for any amendment. Members saw and were content with the wording of an amendment suggested by the First Minister to introduce a provision for an ad hoc review of exemptions. The

Department has indicated that it intends to bring forward the amendment at Consideration Stage. Other than the length of the review period, the Committee has previously indicated that it is broadly content with the clause.

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Clause 10 (Short title)

The Chairperson: There were no comments on this clause in the consultation or at our previous meetings.

Question, That the Committee is content with the clause, put and agreed to.

Long title agreed to.

The Chairperson: That concludes the formal clause-by-clause consideration of the Carrier Bags Bill. I thank the officials for their attendance at today's meeting and the previous meetings.