



The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023

2023 asc 2

Prohibition on the supply of certain single-use plastic products

1 Key concepts: “plastic product”, “single-use” and “plastic”

- (1) This section defines certain key concepts for the purposes of this Act.
- (2) A “plastic product” is a product—
 - (a) of which all or any of the main structural components are made wholly or partly of plastic, or
 - (b) that has a lining or coating made wholly or partly of plastic.
- (3) “Single-use”, in relation to a plastic product, means a product that is not designed or manufactured to be used for the purpose for which it was designed or manufactured more than once (or on more than one occasion) before being disposed of.
- (4) “Plastic” means a material consisting of a polymer, other than an adhesive, paint or ink, and includes a material consisting of a polymer that has other substances added to it.
- (5) In subsection (4), the reference to “polymer”—
 - (a) means a polymer that can function as the main structural component of a product;
 - (b) does not include a natural polymer that has not been chemically modified.
- (6) For the purposes of subsection (3), a carrier bag is deemed to have been designed to be used to carry goods more than once before being disposed of unless it is made of plastic film no greater than 49 microns in thickness (in which case it is considered to be a plastic product that is single-use).

2 Prohibited single-use plastic products

- (1) For the purposes of this Act, a single-use plastic product is prohibited if—

- (a) it is a product that is listed in column 1 of the Table in paragraph 1 of the Schedule, and
 - (b) no exemption in a corresponding entry in column 2 of that Table applies in respect of that product.
- (2) A product that falls within subsection (1) is referred to in this Act as a “prohibited single-use plastic product”.
- (3) The Welsh Ministers must prepare and publish guidance about—
- (a) the single-use plastic products that are prohibited under this Act;
 - (b) the application of any exemptions listed in column 2 of the Table in paragraph 1 of the Schedule.

3 Prohibited single-use plastic products: power to amend

- (1) The Welsh Ministers may by regulations amend the Schedule—
- (a) to add a product to, or remove a product from, column 1 of the Table in paragraph 1;
 - (b) to add an exemption to, or remove an exemption from, column 2 of the Table in paragraph 1, or to amend an exemption in that column;
 - (c) to add a definition to, or remove a definition from, paragraph 2, or to amend a definition in that paragraph.
- (2) Before making regulations under this section the Welsh Ministers must consult—
- (a) local authorities;
 - (b) the Natural Resources Body for Wales and any other person that the Welsh Ministers consider to be concerned with promoting the protection of the environment in Wales;
 - (c) such persons as the Welsh Ministers consider represent the interests of producers or suppliers of single-use plastic products in Wales;
 - (d) such persons as the Welsh Ministers consider represent the interests of people who have a protected characteristic within the meaning given in section 4 of the [Equality Act 2010 \(c. 15\)](#), and on whom the regulations may have a particular impact for that reason;
 - (e) such other persons as the Welsh Ministers consider appropriate.

4 Power to amend: duties relating to sustainable development and reporting

- (1) In considering whether to exercise the power in section 3, the Welsh Ministers must take into account their duty—
- (a) to promote sustainable development under section 79(1) of the [Government of Wales Act 2006 \(c. 32\)](#), and
 - (b) to carry out sustainable development under the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#).
- (2) In the report they are required to publish under section 79(2) of the Government of Wales Act 2006, the Welsh Ministers must set out information about their consideration of whether to exercise the power in section 3 including but not limited to their consideration of whether to—
- (a) add wet wipes and sauce sachets to column 1 of the Table in paragraph 1 of the Schedule;

Status: This is the original version (as it was originally enacted).

- (b) remove an exemption from, or amend an exemption in, column 2 of the Table in paragraph 1 of the Schedule in respect of cups, takeaway food containers and lids for these products that are not made of polystyrene.