

Status: Point in time view as at 04/05/2011.

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SCHEDULES

SCHEDULE 6

CHARGES FOR SINGLE USE CARRIER BAGS

PART 1

POWERS TO MAKE REGULATIONS ABOUT CHARGES

General power

- 1 The relevant national authority may make provision by regulations about charging by sellers of goods for the supply of single use carrier bags.

Requirement to charge

- 2 The regulations may make provision requiring sellers of goods to charge for single use carrier bags supplied—
- (a) at the place where the goods are sold, for the purpose of enabling the goods to be taken away, or
 - (b) for the purpose of enabling the goods to be delivered.

Sellers of goods

- 3 (1) “Seller”, in relation to goods, has the meaning given by the regulations which may define that term by reference (in particular) to—
- (a) a person's involvement in selling the goods,
 - (b) a person's interest in the goods, or
 - (c) a person's interest in the place at or from which the goods are sold, or any combination of those factors.
- (2) The regulations may make provision for regulations under this Schedule to apply—
- (a) to all sellers of goods,
 - (b) to sellers of goods named in the regulations,
 - (c) to sellers of goods identified by reference to specified factors, or
 - (d) to sellers of goods within paragraph (b) and sellers of goods within paragraph (c).
- (3) The specified factors may include—
- (a) the place or places at or from which a seller supplies goods;
 - (b) the type of goods that a seller supplies;
 - (c) the value of goods that a seller supplies;
 - (d) a seller's turnover or any part of that turnover.

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(4) In this Schedule “specified” means specified in regulations under this Schedule.

Amount of charge

4 The regulations may specify the minimum amount that a seller must charge for each single use carrier bag, or provide for that amount to be determined in accordance with the regulations.

Destination of proceeds – Wales

[^{F1}4A (1) This paragraph applies to regulations made by the Welsh Ministers in relation to Wales.

(2) The regulations may provide for the application of the net proceeds of the charge to specified purposes.

(3) Regulations under sub-paragraph (2) may (among other things)–

- (a) require sellers to apply the net proceeds of the charge to any one or more specified purposes;
- (b) provide for any duty imposed under paragraph (a) to be discharged (subject to any provision made under paragraph (c)) by the net proceeds of the charge being accepted by any one or more of the following persons–
 - (i) specified persons;
 - (ii) persons who fall within a specified category of person;
- (c) make provision about the arrangements under which the net proceeds of the charge are to be given by sellers to the persons mentioned in paragraph (b) or any other person;
- (d) require persons who accept any net proceeds of the charge under paragraph (b) to apply the proceeds to any one or more specified purposes;
- (e) provide for recovery by the Welsh Ministers of sums equal to the proceeds of the charge that have been accepted or applied otherwise than in accordance with provision made under sub-paragraph (2);
- (f) provide for the application of sums recovered under paragraph (e) to specified purposes (this includes making provision to the effect that such sums are not to be paid into the Welsh Consolidated Fund);
- (g) require the Welsh Ministers to give guidance about compliance with the regulations.

(4) The purposes that may be specified under sub-paragraph (2) are limited to purposes relating to any of the following–

- (a) preventing or reducing waste;
- (b) the collection, management, treatment or disposal of waste;
- (c) protecting or improving the environment in relation to pollution or nuisances;
- (d) educational or recreational activities for children or young people which relate to any of the matters specified in paragraphs (a) to (c).

(5) But purposes concerning the production of renewable energy for consumption in transport or the use of that energy in transport may not be specified under sub-paragraph (2).

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- (6) The regulations may make provision for regulations under this Schedule to apply to persons other than sellers, if the Welsh Ministers consider that such provision is appropriate for the enforcement of provision made under sub-paragraph (2) or for otherwise making such provision effective.
- (7) The specified factors under paragraph 3(2)(c) may also include—
 - (a) a seller's arrangements for applying the net proceeds of the charge, or
 - (b) any other factor that the Welsh Ministers consider appropriate, whether or not that factor is of the same kind as the factors listed in that paragraph.
- (8) The regulations may provide for exceptions and exemptions.]

Textual Amendments

F1 Sch. 6 paras. 4A, 4B inserted (E.W.) (15.2.2011) by [Waste \(Wales\) Measure 2010 \(nawm 8\), ss. 1\(2\), 21\(2\)](#)

[^{F2}4A (1) This paragraph applies to regulations made by the Department in relation to Northern Ireland.

- (2) The regulations may require the seller to pay to the Department—
 - (a) the gross proceeds of the charge, or
 - (b) the net proceeds of the charge.
- (3) Paragraph 7(3)(c) does not apply to any amount required by regulations made under this paragraph to be paid to the Department.
- (4) In this paragraph—
 - “the Department” means the Department of the Environment in Northern Ireland;
 - “gross proceeds of the charge” means the amount received by the seller by way of charges for single use carrier bags;
 - “net proceeds of the charge” means the seller's gross proceeds of the charge reduced by such amounts as may be specified.]

Textual Amendments

F2 Sch. 6 para. 4A inserted (N.I.) (4.5.2011) by [Single Use Carrier Bags Act \(Northern Ireland\) 2011 \(c. 26\), s. 1\(1\)](#)

Interpretation of paragraph 4A

- [^{F1}4B (1) This paragraph applies for the purposes of paragraph 4A.
- (2) “Children ” means persons who have not attained the age of 18.
 - (3) “Pollution ” means pollution of the air, water or land which may give rise to any environmental harm, including (but not limited to) pollution caused by light, noise, heat or vibrations or any other kind of release of energy.
 - (4) For the purposes of the definition in sub-paragraph (3), “ environmental harm ” means any of the following—

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- (a) harm to the health of humans and other living organisms;
 - (b) harm to the quality of the environment, including—
 - (i) harm to the quality of the environment taken as a whole,
 - (ii) harm to the quality of the air, water or land, and
 - (iii) other impairment of, or interference with, the ecological systems of which any living organisms form part;
 - (c) offence to the senses of human beings;
 - (d) damage to property;
 - (e) impairment of, or interference with, the amenity of the environment or any legitimate use of the environment.
- (5) For the purposes of sub-paragraphs (3) and (4), “ air ” includes (but is not limited to) air within buildings and air within other natural or man-made structures above or below ground.
- (6) “ Nuisance ” means an act or omission affecting any place, or a state of affairs in any place, which may impair, or interfere with, the amenity of the environment or any legitimate use of the environment.
- (7) “ Net proceeds of the charge ” has the same meaning as in paragraph 7(4).
- (8) “ Young people ” means persons who have attained the age of 18, but not the age of 25.]

Textual Amendments

F1 Sch. 6 paras. 4A, 4B inserted (E.W.) (15.2.2011) by [Waste \(Wales\) Measure 2010 \(nawm 8\)](#), **ss. 1(2), 21(2)**

Single use carrier bags

- 5 “Single use carrier bag” has the meaning given by the regulations, which may define that term by reference (in particular) to—
- (a) a bag's size, thickness, construction, composition or other characteristics, or
 - (b) its intended use,
- or any combination of those factors.

Administration

- 6 (1) The regulations may appoint a person (an “administrator”) to administer provision made by regulations under this Schedule.
- (2) More than one person may be appointed as administrator.
- (3) The regulations may confer or impose powers or duties on an administrator and may (in particular) do so—
- (a) by making modifications to any enactment applying to the administrator, or
 - (b) by providing for any such enactment to apply, with or without modifications, for the purposes of regulations under this Schedule.
- (4) References in this Schedule to an administrator include a person appointed by an administrator.

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Record-keeping and publication of records

- 7 (1) The regulations may require records to be kept relating to charges made for single use carrier bags.
- (2) The regulations may require—
- (a) the records, or such other information as may be specified, to be published at such times and in such manner as may be specified;
 - (b) the records, or such other information as may be specified, to be supplied on request and in such manner as may be specified to—
 - (i) the relevant national authority,
 - (ii) an administrator, or
 - (iii) members of the public.
- (3) The regulations may (in particular) require the publication or supply of records or information relating to any of the following—
- (a) the amount received by a seller by way of charges for single use carrier bags;
 - (b) the seller's gross or net proceeds of the charge;
 - (c) the uses to which the net proceeds of the charge have been put.
- [^{F3}(3A) Regulations made by the Welsh Ministers may also require the publication or supply of records or information relating to the amount received by a person from a seller by way of net proceeds of the charge to be applied to purposes specified under paragraph 4A(2).]
- (4) In this paragraph—
- “gross proceeds of the charge” means the amount received by the seller by way of charges for single use carrier bags;
 - “net proceeds of the charge” means the seller's gross proceeds of the charge reduced by such amounts as may be specified.

Textual Amendments

F3 Sch. 6 para. 7(3A) inserted (E.W.) (15.2.2011) by [Waste \(Wales\) Measure 2010 \(nawm 8\)](#), ss. 1(3), 21(2)

Enforcement

- 8 (1) The regulations may confer or impose powers or duties on an administrator to enforce provision made by regulations under this Schedule.
- (2) The regulations may (in particular) confer powers on an administrator to—
- (a) require the production of documents or the provision of information, or
 - (b) question a seller or officers or employees of a seller.
- [^{F4}(2A) Regulations made by the Welsh Ministers may also confer powers on an administrator to question a person the administrator reasonably believes has received any net proceeds of the charge or officers or employees of such a person.]
- (3) Regulations under sub-paragraph (2) must contain provision for ensuring that the power in question is exercised by a person only where the person reasonably believes there has been a failure to comply with a requirement of regulations under this Schedule.

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Textual Amendments

F4 Sch. 6 para. 8(2A) inserted (E.W.) (15.2.2011) by [Waste \(Wales\) Measure 2010 \(nawm 8\)](#), ss. 1(4), 21(2)

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