STATUTORY INSTRUMENTS

2020 No. 971

The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020

PART 1

Introduction

Citation, commencement and application

1.—(1) These Regulations may be cited as the Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020.

(2) These Regulations, except for regulation 4(3) and (4), come into force on the twenty-first day after the day on which they are made.

(3) Regulation 4(3) and (4) comes into force on 3rd July 2021.

(4) These Regulations extend to England and Wales and apply in relation to England only.

Interpretation

2. In these Regulations—

"catering establishment" has the meaning given by regulation 6(3);

"compliance notice" has the meaning given by paragraph 1(1)(b) of the Schedule;

"end user" means any person to whom a product is supplied, other than—

(a) for the purpose of supplying it, in the course of a business, to another person;

(b) for the purposes of a manufacturing process; or

(c) in the case of a single-use plastic straw, for the purposes of a catering establishment or an establishment of a kind referred to in regulation 9(1);

"enforcement undertaking" has the meaning given by paragraph 17 of the Schedule;

"health professional" means—

(a) a registered medical practitioner;

(b) a registered nurse or midwife;

(c) a registered dentist within the meaning of section 53 of the Dentists Act 1984(**1**);

(d) a registered pharmacist or a registered pharmacy technician within the meaning of article 3 of the Pharmacy Order 2010(**2**);

(e) a registered dietician, occupational therapist or physiotherapist(**3**);

(**1**) 1984 c. 24.
(**2**) S.I. 2010/231, to which there are amendments not relevant to these Regulations.
(**3**) "Registered", in relation to a dietician, occupational therapist or physiotherapist, means registered in the register maintained under Article 5 of the Health and Social Work Professions Order 2001 (S.I. 2002/254); see Article 5(5) of that Order.

"local authority" means—

(a) in relation to the City of London, the Common Council for the City of London;

(b) in relation to an area in the rest of London, the London borough council for that area;

(c) in relation to the Isles of Scilly, the Council of the Isles of Scilly;

(d) in relation to an area in the rest of England, the county council for that area or, where there is no county council for that area, the district council for that area;

"medical purposes" means the purposes of preventative medicine, medical diagnosis, medical research and the provision of medical care and treatment;

"plastic" means a material consisting of polymer as defined in Article 3(5) of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)(**4**), to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified;

"plastic drink stirrer" means an implement made partly or wholly of plastic designed and intended for stirring drinks;

"regulator" means a local authority;

"relevant device" means, subject to regulation 3, a device within the meaning given in regulation 68(4) of the Medical Devices Regulations 2002(**5**), to which Part 8 of those Regulations applies;

"single-use plastic stemmed cotton bud" means an item that consists of a rod made wholly or partly of plastic with cotton wrapped around one or both ends and that is not designed or intended to be re-used;

"single-use plastic straw" means a straw that is made wholly or partly from plastic and that is not designed or intended to be re-used;

"stop notice" has the meaning given by paragraph 9(2) of the Schedule;

"supply" means supply, whether by way of sale or not;

"third party undertaking" has the meaning given by paragraph 3(1) of the Schedule;

"variable monetary penalty" has the meaning given by paragraph 1(1)(a) of the Schedule.

Relevant devices: transitional provision

3.—(1) Before regulation 68 of the Medical Devices Regulations 2002 ("the 2002 Regulations") comes into force(**6**), "relevant device" means a medical device within the meaning given in regulation 2 of the 2002 Regulations to which Part 2 or Part 3 of those Regulations applies, and the definition of "relevant device" in regulation 2 does not apply.

(2) On and after the coming into force of regulation 68 of the 2002 Regulations and before 26th May 2025, "relevant device" means—

(a) a relevant device as defined in regulation 2; or

(b) a medical device within the meaning given in regulation 2 of the 2002 Regulations to which Part 2 or Part 3 of those Regulations applies.

(**4**) OJ No L 396, 30.12.2006, p. 1, as last amended by Commission Regulation (EU) 2019/1691 (OJ No L 259, 10.10.2019, p. 9).
(**5**) S.I. 2002/618; relevant amending instruments are S.I. 2008/936, 2019/791.
(**6**) Regulation 68 of the 2002 Regulations is inserted by regulation 10 of S.I. 2019/791. By virtue of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1), regulation 10 of S.I. 2019/791 comes into force on IP completion day, subject to any different provision which may be made by regulations under that Act.