
STATUTORY INSTRUMENTS

2020 No. 971

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

PART 5

Offences: general

Transitional provision: supply of existing stock

15.—(1) The supply of a product, or an offer to supply a product, is not an offence under regulation 4(1), 10(1) or 14(1) if—

- (a) the supply or offer to supply is made within the period of six months beginning with the coming into force date; and
- (b) the person supplying or offering to supply the product obtained the product before the coming into force date.

(2) In paragraph (1), “the coming into force date” means the date on which these Regulations (except for regulation 4(3) and (4)) come into force.

Defence of due diligence for suppliers

16.—(1) Subject to paragraphs (2) and (4), in proceedings for an offence under Parts 2 to 4 of these Regulations it is a defence for a person (“P”) to show that P took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) P may not rely on a defence under paragraph (1) which involves a third party allegation unless P has—

- (a) served a notice in accordance with paragraph (3); or
- (b) obtained the leave of the court.

(3) The notice must—

- (a) give any information in P’s possession which identifies or assists in identifying the person who—
 - (i) committed the act or default; or
 - (ii) supplied the information on which P relied; and
- (b) be served on the person bringing the proceedings not less than 7 clear days before the hearing of the proceedings.

(4) P may not rely on a defence under paragraph (1) which involves an allegation that the commission of the offence was due to reliance on information supplied by another person unless it was reasonable for P to have relied on the information, having regard in particular to—

- (a) the steps that P took, and those which might reasonably have been taken, for the purposes of verifying the information; and

(b) whether P had any reason to disbelieve the information.

(5) In this regulation, “third party allegation” means an allegation that the commission of the offence was due to—

(a) the act or default of another person; or

(b) reliance on information supplied by another person.

Time limit for the prosecution of offences

17.—(1) An information relating to an offence under Parts 2 to 4 of these Regulations may be tried if it is laid within twelve months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the knowledge of the prosecutor.

(2) No proceedings are to be brought more than three years after the commission of the offence.