

SCHEDULE 3

Regulation 15

Amendment of the Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020

1. The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020 are amended in accordance with paragraphs 2 to 7.

2. In regulation 2 (interpretation)—

(a) after the definition of “enforcement undertaking” insert—

““fixed monetary penalty” has the meaning given by paragraph 1(1)(a) of the Schedule;”;

(b) for the definition of “relevant device” substitute—

““relevant device” means a medical device within the meaning given in regulation 2 of the Medical Devices Regulations 2002(1);”;

(c) omit the definition of “variable monetary penalty”.

3. Omit regulation 3 (relevant devices: transitional provision).

4. In regulation 21 (publication of information about enforcement action), in paragraph (1)(b), for “variable” substitute “fixed”.

5. In regulation 22 (guidance)—

(a) in paragraph (2), for “variable” substitute “fixed”;

(b) in paragraph (3), omit sub-paragraph (d).

6. Omit regulation 23 (additional guidance).

7. In the Schedule (civil sanctions)—

(a) in the heading of Part 1, for “variable” substitute “fixed”;

(b) in paragraph 1—

(i) in the heading, for “variable” substitute “fixed”;

(ii) for sub-paragraph (1)(a) substitute—

“(a) a requirement to pay to the regulator a penalty of £200 (a “fixed monetary penalty”);”;

(iii) omit sub-paragraphs (4) and (5);

(c) in paragraph 2—

(i) for “variable” in each place that it occurs, substitute “fixed”;

(ii) after sub-paragraph (2) insert—

“(2A) A notice of intent to serve a fixed monetary penalty must also offer the person on whom the notice is served the opportunity to discharge their liability for the penalty by paying the sum of £100 to the regulator within 28 days beginning with the day on which the notice is received.

(2B) A person’s liability to a fixed monetary penalty is discharged if the person pays the sum of £100 to the regulator within the time specified in sub-paragraph (2A).”;

(iii) after sub-paragraph (3) insert—

(1) [S.I. 2002/618](#). The definition of “medical device” in regulation 2 was amended by [S.I. 2008/2936](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(4) Sub-paragraph (3) does not apply in relation to a notice of intent to serve a fixed monetary penalty if the person makes a payment in accordance with sub-paragraph (2B).”;

- (d) in paragraph 4—
 - (i) in sub-paragraph (2), for “variable” substitute “fixed”;
 - (ii) in sub-paragraph (4), omit paragraph (b) and “; and” preceding it;
- (e) in paragraph 5, in the heading and in the words preceding paragraph (a), for “variable” substitute “fixed”;
- (f) in paragraph 7(2), omit paragraph (c);
- (g) in paragraph 8, for “variable” in each place that it occurs, substitute “fixed”;
- (h) in paragraph 19(b), for “variable” substitute “fixed”;
- (i) in paragraph 23(1)(a), for “variable” substitute “fixed”;
- (j) in paragraph 24(1), for “variable” substitute “fixed”;
- (k) in paragraph 26(a)—
 - (i) for “variable” substitute “fixed”;
 - (ii) for “the notice” substitute “a notice imposing a non-compliance penalty”;
- (l) in paragraph 27(2), for “variable” substitute “fixed”;
- (m) in paragraph 29, for “variable” substitute “fixed”.