POLICY NOTE

THE SINGLE USE CARRIER BAGS CHARGE (FIXED PENALTY NOTICES AND AMENDMENT) (SCOTLAND) REGULATIONS 2015

SSI No:

1. This Policy Note has been prepared by the Scottish Government to accompany the draft Single Use Carrier Bags Charge (Fixed Penalty Notices and Amendment) (Scotland) Regulations 2015. It does not form part of the legislation and has not been endorsed by Parliament.

Fixed Penalties - Policy summary

2. The Single Use Carrier Bags Charge (Scotland) Regulations 2014 establish criminal offences for retailers found to be in breach of the regulations. The Climate Change (Scotland) Act 2009 has been amended to allow for Fixed Penalties in respect of these offences, which are designed to offer enforcement authorities a more proportionate tool for dealing with minor breaches.

3. This Instrument:

a) specifies local authorities as enforcement authorities in relation to these Fixed Penalties under the 2009 Act, as they already are for the 2014 Regulations; and

b) sets the amount of a Fixed Penalty given under section 88A(1) of the 2009 Act (for offences under the 2014 Regulations) at £200, alongside a 'discounted amount' of £100 to incentivise early payment.

c) specifies a time limit of seven days from the day after the offence took place to issue a Fixed Penalty for the offence.

4. Ministers indicated the proposed level of fixed penalties during Parliamentary consideration of the primary legislation which establishes the fixed penalty regime, the Regulatory Reform (Scotland) Act 2014. Scottish Government officials have subsequently discussed the proposed fixed penalty and discounted amount informally with representatives of the Scottish Retail Consortium, Scottish Grocers' Federation, Federation of Small Businesses and Convention of Scottish Local Authorities - all of whom indicated agreement with the levels proposed.

Prisons and other secure facilities - Policy summary

5. The main purpose of the carrier bag charge under the 2014 Regulations is to reduce the use of single use bags, and therefore the number ending up as litter.

6. This Instrument provides for an exemption from the requirement to charge in the case of bags needed for security, good order, discipline or safety in prisons or other secure establishments. The exemption recognises that single use bags may be necessary for those reasons in these locations and that the controlled nature of the environment leaves very little potential for a litter issue.

7. This Instrument has been drawn up in consultation with officials from the Scottish Prison Service.

8. Prior to the initiation of this Instrument Zero Waste Scotland worked with the Scottish Prison Service to investigate alternatives to its current system of clear single use carrier bags for delivery of goods to prisoners. The study concluded that the current system is the most environmentally and financially effective system available to prisons.

Financial effects

9. These changes will not have significant financial impacts.

Equalities impacts

10. This Instrument does not have a disproportionate impact on any specific sector. On this basis it was not deemed necessary to produce an Equality Assessment.

Scottish Government - Environmental Quality Division
February 2015