Draft Order laid before Parliament under section 91(1) of the Climate Change Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No. XXX

ENVIRONMENTAL PROTECTION, ENGLAND

The Single Use Carrier Bags Charges (England) (Amendment) Order 2021

Made - - - -	***
Coming into force - -	*30th April 2021*

A draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with section 77(4) of, and paragraph 27(2) of Schedule 6 to, the Climate Change Act 2008(**a**).

The Secretary of State makes this Order in exercise of the powers conferred by section 90(3) and (5) of, and Schedule 6 to, the Climate Change Act 2008.

Citation and commencement

1.—(1) This Order may be cited as the Single Use Carrier Bags Charges (England) (Amendment) Order 2021.

(2) It comes into force on 30th April 2021.

Amendment to the Single Use Carrier Bags Charges (England) Order 2015

2. The Single Use Carrier Bags Charges (England) Order 2015(**b**) is amended in accordance with articles 3 to 11.

Amendment of article 1

3. In article 1—

(a) in the heading, for ", commencement and expiry", substitute "and commencement";

(b) omit paragraph (d).

Amendment of article 2

4. In article 2, for the definition of "seller", substitute—

""seller"—

(a) for the purposes of Schedule 3, has the meaning given in Schedule 1;

(**a**) 2008 c. 27.
(**b**) S.I. 2015/776, amended by S.I 2020/324.

(b) otherwise, means a person who sells goods;".

Amendment of article 3

5. In article 3, for "5", substitute "10".

Amendment of article 18

6. In article 18, in paragraph (2), after "5th October 2020," insert "and afterwards at intervals not exceeding 5 years,".

Amendment of article 19

7. Omit article 19.

Amendment of Schedule 1

8. In Schedule 1, in the heading, after "Sellers", insert "for the purposes of Schedule 3".

Amendment of Schedule 2

9. In Schedule 2, in paragraph 2—

(a) in sub-paragraph (1), after paragraph (j), insert—

"(k) Sealed transit bag	A bag which is intended to be used to carry alcohol or tobacco purchased in an area designated by the Secretary of State as a security restricted area under section 11A of the Aviation Security Act 1982(**a**) and which is sealed after the item is placed in it. ";

(b) in sub-paragraph (3), in the definition of "transit place", omit the words from "or in an area" to the end.

Amendment of Schedule 3

10. In Schedule 3—

(a) in paragraph 1, omit sub-paragraph (5);

(b) in paragraph 2—

(i) omit sub-paragraph (4);

(ii) in sub-paragraph (5), omit the words from "and" to the end;

(c) in paragraph 3—

(i) in paragraph (b), omit the words from "7th" (the first time it appears) to "with";

(ii) omit paragraph (c).

Amendment of Schedule 4

11. In Schedule 4—

(a) in paragraph 1, omit sub-paragraph (4);

(b) in paragraph 2—

(i) in sub-paragraph (1)(c), for "2022" substitute "2023";

(**a**) 1982 c. 36, amended by S.I. 2010/902, regulations 3 and 9(b) and the Civil Aviation Act 2012, section 78(6) and paragraphs 4 and 8(1) of Schedule 11.

(ii) after sub-paragraph (1), insert—

"(1A) Beginning with 5th October 2023, an administrator must publish a report for each consecutive three-year period ("the reporting period").";

(iii) in sub-paragraph (2)(c), for "2023" substitute "2024";

(iv) after sub-paragraph (2), insert—

"(2A) In relation to each report referred to in sub-paragraph (1A), the report must be published on or before 31st May in the third year of the reporting period for the report.".

Name
Parliamentary Under Secretary of State
Date Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Single Use Carrier Bags Charges (England) Order 2015 (S.I. 2015/776) ("the Carrier Bags Order").

Article 3 amends the Carrier Bags Order by omitting the expiry date of 5th October 2022 in article 1(d), by which that Order would have ceased to have effect. Articles 6, 7, 10 and 11 make amendments to the Carrier Bags Order consequential on the omission of the expiry date.

Articles 4 and 8 amend the Carrier Bags Order in order to substitute a new definition of "seller". This brings all sellers of goods under the obligation to charge in article 3 of the Carrier Bags Order and restricts the obligation relating to records in article 4 of, and Schedule 3 to, that Order to sellers within the meaning given in Schedule 1.

Article 5 amends the Carrier Bags Order in order to increase the minimum charge for each single use carrier bag (SUCB) supplied in a reporting year from 5 pence to 10 pence.

Article 9 amends the definition of SUCB in Schedule 2 to the Carrier Bags Order by amending the list of "excluded bags" in the table.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London, SW1P 4DF and is published alongside this instrument at www.legislation.gov.uk.

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£4.90

UK202102021003 02/2021 19585

http://www.legislation.gov.uk/id/ukdsi/2021/9780348219760

ISBN 978-0-34-821976-0

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