EXPLANATORY MEMORANDUM TO

THE ENVIRONMENTAL PROTECTION (WET WIPES CONTAINING PLASTIC) REGULATIONS (NORTHERN IRELAND) 2025

2025 No. 178

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (DAERA) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under the powers conferred by Articles 32(1)(b), 2(b) and (c) and (6) of the Waste and Contaminated Land (Northern Ireland) Order 1997 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of these regulations is to ban the sale and supply of wet wipes containing plastic (with certain exemptions) to reduce the impact of plastic and microplastic pollution in the natural and marine environment. This regulation forms a four-nation approach to the ban on the sale and supply of wet wipes containing plastic. The UK Government, Scottish Government, and Welsh Government are also making legislation to bring forward similar bans on these items.

3. Background

3.1. DAERA officials have been working with the other UK nations to tackle the problem of wet wipes containing plastic and the corresponding impacts of plastic and microplastic pollution. This is in alignment with the Department's commitment to reduce plastic pollution within the NI Environmental Improvement Plan published on 27 September 2024.

3.2. Wet Wipes containing plastic are an unnecessary source of plastic and microplastic pollution which negatively impact the environment through littering and incorrect disposal, being commonly found in beach litter surveys and waterways. As the plastic breaks down and releases microplastics into the environment, it can negatively impact on human health and various species and habitats. The regulations will come into force 18 months after they are laid, allowing industry and retailers time to adapt to the change.

4. Consultation

4.1. A public consultation entitled 'Consultation on the proposed ban on the manufacture, supply and sale of wet wipes containing plastic' was held jointly with the UK Government and Devolved Administrations from 14 October 2023 to 25 November 2023. This was made publicly available on Consultation on the proposed ban of the manufacture supply and sale of wet wipes containing plastic.

4.2. The consultation asked for comments on the proposals including questions on consumer impacts, definitions, and exemptions that all respondents were asked to answer, and industry specific questions that only manufactures of wet wipes were asked to answer.

4.3. The consultation received 1561 responses across the UK, with 27 responses received from stakeholders in NI, which included private individuals, industry, non-government organisations, and local government. DAERA jointly engaged with stakeholders in two UK-wide Q & A sessions held on 17 and 23 November 2023. The Government response was published on 22 April 2024, and a copy is available from Summary of Responses .

4.4. Overall, 95% of respondents agreed or strongly agreed with the proposed ban on wet wipes containing plastic. Responses from members of the public and non-governmental organisations demonstrated overwhelming support, with over 96% either agreeing or strongly agreeing with the proposed ban.

4.5. A UK-wide manufactures Q & A session was held on 8 May 2024. Following consultation analysis, the UK Government, Scottish Government, Welsh Government and NI Executive decided to announce a ban on the sale and supply of wet wipes containing plastic.

4.6. In accordance with Article 32(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997, DAERA published a notice indicating the effect of these regulations and seeking representations. No representations were received in response to the notice.

4.7. The draft instrument was notified to the World Trade Organisation under the Technical Barriers to Trade Agreement (TBTA) on 1 November 2024. No objections have been made pursuant to notification.

5. Equality Impact

5.1. The legislation was assessed to ensure compliance with Section 75 of the Northern Ireland Act 1998. No opportunities were identified to better promote equality of opportunity for people within the Section 75 equalities categories. The policy was therefore screened out from the requirement to undertake a full Equality Impact

Assessment on the basis that it is likely to benefit the environment and people who live in Northern Ireland.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment (RIA) was prepared which considered the impact of the legislation.

6.2. Two options were considered within the RIA: option one “do nothing” and option two “introducing legislation to ban the sale and supply of wet wipes containing plastic”.

6.3. Option 1 (do nothing) would allow wet wipes containing plastic to be used with no restrictions on sale or supply. Whilst there is a voluntary shift away from wet wipes containing plastic amongst some producers and retailers, there is no guarantee it will be sustained in the future or that it will be at the pace required. This means the environmental impacts associated with wet wipes containing plastic, such as increased water pollution, may continue into the future even if voluntary action is successful in supplying non-plastic wet wipe alternatives at scale without the support of government intervention.

6.4. Option 2 (preferred option). The negative environmental impacts of plastic and microplastic pollution mean that a ban on the sale and supply of wet wipes containing plastic is the preferred option. This option acts to remove problematic plastic where there is a suitable alternative. This option aligns with the Departments aims to promote resource efficiency and minimise plastic waste by following the principles of the waste hierarchy: Reduce, Reuse, Recycle.

6.5. The Department is satisfied that the introduction of this SR will not have a significant impact on NI businesses or charities. The SR will contain exemptions for medical and industrial uses, and business to business supply. Any costs incurred in adapting to this new restriction will be outweighed by the non-monetary benefits derived from reducing microplastic pollution into the environment and waterways. To minimise the impact of the requirements on businesses, there will be a lead-in time of 18 months from when the legislation is introduced.

7. Financial Implications

7.1. The regulations are not expected to have any significant financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1. There are no human rights implications as per Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 The draft instrument was notified to the EU under Directive (EU) 2015/1535 Technical Barriers to Trade on 4 November 2024. No objections have been made pursuant to notification.

10. Parity or Replicatory Measure

10.1 All UK nations are introducing legislation to ban wet wipes containing plastic.

11. Additional Information

11.1 A Rural Needs Impact Assessment has been undertaken. This concluded that there is no adverse impact on people in rural areas.