SCOTTISH STATUTORY INSTRUMENTS

2026 No. 75

ENVIRONMENTAL PROTECTION

The Environmental Protection (Wet Wipes Containing Plastic) (Scotland) Regulations 2026

Made - - - -	*10th February 2026*
Laid before the Scottish Parliament	*12th February 2026*
Coming into force - -	*11th August 2027*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 140(1)(c), (2), (3)(c) and (d), (9) and (10A) to (10D) of the Environmental Protection Act 1990(**a**) and all other powers enabling them to do so.

In accordance with section 140(6) of that Act(**b**), they have published notices in the London Gazette and in the Edinburgh Gazette and have considered the representations made to them in accordance with those notices.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Environmental Protection (Wet Wipes Containing Plastic) (Scotland) Regulations 2026.

(2) These Regulations come into force on 11 August 2027.

(3) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

"authorised purpose" means the purpose of determining whether an offence under regulation 3(1) (offence: supply of wet wipes containing plastic) has been committed,

"business" includes—

(a) any trade or profession,

(b) any activity carried on by a charity,

(c) any activity carried on by a body of persons whether corporate or unincorporated,

(**a**) 1990 c. 43. Section 140(3)(c) was amended by S.I. 1999/1108. Section 140(10A) to (10D) was inserted by section 21(2) of the Circular Economy (Scotland) Act 2024 (asp 13). The functions of the Secretary of State under section 140, insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) Section 140(6) was amended by S.I. 2012/1923.

(d) the provision of services by or on behalf of Scottish Ministers under the National Health Service (Scotland) Act 1978(**a**),

"charity" means anything which is a charity within the meaning of—

(a) section 106 of the Charities and Trustee Investment (Scotland) Act 2005(**b**),

(b) section 1(1) of the Charities Act 2011(**c**),

(c) section 1(1) of the Charities Act (Northern Ireland) 2008(**d**),

(d) section 202 of the Corporation Tax Act 2010(**e**),

"end user" means any person to whom wet wipes containing plastic are offered for supply or supplied, other than a person to whom they are offered for supply or supplied for the purposes of—

(a) supplying them, in the course of a business, to another person, or

(b) a manufacturing process,

"enforcement officer" means a person authorised under regulation 10 (enforcement),

"fixed penalty notice" means a notice offering a person the opportunity of discharging any liability to conviction for an offence under regulation 3 by payment of a fixed penalty,

"local authority" means a council constituted under section 2 (constitution of councils) of the Local Government etc. (Scotland) Act 1994(**f**),

"plastic" means a material consisting of polymer as defined in Article 3(5) (definitions) of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)(**g**), to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified,

"supply" means supply, whether by sale or not, and cognate expressions are to be construed accordingly,

"wet wipe" means a non-woven piece of fabric which has been pre-wetted and which is not designed or intended to be re-used.

Offence: supply of wet wipes containing plastic

3.—(1) A person who, in the course of a business, supplies or offers to supply to an end user wet wipes containing plastic commits an offence.

(2) Paragraph (1) is subject to exemptions in regulations 5 to 7.

(3) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offence: failure to comply with an enforcement requirement

4.—(1) A person who fails without reasonable excuse to comply with any requirement imposed in the exercise of an enforcement officer's powers under regulation 11(1)(c)(iii) or (g) (powers of entry and examination etc.) commits an offence.

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(**a**) 1978 c. 29. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**b**) 2005 asp 10, to which there are no amendments relevant to these Regulations.
(**c**) 2011 c. 25.
(**d**) 2008 c. 12.
(**e**) 2010 c. 4. Section 202 has been amended by paragraph 27(2) of schedule 6 of the Finance Act 2010 (c. 13), section 35(5) of the Finance Act 2014 (c..26) and S.I 2021/964.
(**f**) 1994 c. 39. Section 2 was amended by paragraph 232(1) of schedule 22 of the Environment Act 1995 (c. 25).
(**g**) EUR 1907/2006, to which there are no amendments relevant to these Regulations.

Exemption: retail pharmacy business

5.—(1) Regulation 3(1) does not apply to a person who in the course of a retail pharmacy business supplies wet wipes containing plastic in the cases referred to in paragraph (2), provided that the conditions in paragraph (3) are complied with.

(2) The cases referred to in paragraph (1) are where wet wipes containing plastic are supplied to an end user—

(a) at a registered pharmacy, or

(b) by means of online or other distance selling arrangements.

(3) The conditions are that the wet wipes containing plastic—

(a) must not be advertised to customers in Scotland by the retail pharmacy business, and

(b) if supplied at a registered pharmacy—

(i) must not be kept in a place where they are visible to customers, or where customers can access them, and

(ii) must not be offered or provided to a customer unless the customer has requested them.

(4) The condition in paragraph (3)(a) does not prohibit the display of wet wipes containing plastic for sale on a website or an application through which the retail pharmacy business sells products online.

(5) In this regulation, "registered pharmacy" and "retail pharmacy business" have the meanings in regulation 8(1) (general interpretation) of the Human Medicines Regulations 2012(**a**) so far as these definitions relate to registered pharmacies and retail pharmacy businesses in Scotland.

Exemption: medical purposes

6.—(1) Regulation 3(1) does not apply to—

(a) a person that supplies wet wipes containing plastic for use for medical purposes by or under the direction of a health care professional, or

(b) a health care professional that supplies wet wipes containing plastic for medical purposes.

(2) In this regulation—

(a) "health care professional" means—

(i) a person who is a registered member of a profession that is regulated by a body mentioned in section 25(3) (the Professional Standards Authority for Health and Social Care) of the National Health Service Reform and Health Care Professions Act 2002(**b**), and

(ii) a "social service worker" within the meaning given in section 77 (interpretation) of the Regulation of Care (Scotland) Act 2001(**c**).

(b) "medical purposes" means the purposes of preventative medicine, medical diagnoses, medical research and the provision of medical care and treatment,

(c) "registered", in relation to a regulatory body, means registered in a register that the body maintains by virtue of an enactment.

Exemption: business supply and local authority supply

7. Regulation 3(1) does not apply to a person that supplies wet wipes containing plastic to a person who carries on a business or to a local authority where the supply is for the purposes of that business or local authority.

(**a**) S.I. 2012/1916, to which there are no amendments relevant to these Regulations.
(**b**) 2002 c. 17, to which there are no amendments relevant to these Regulations.
(**c**) 2001 asp 8. Section 77 was amended by S.I. 2019/593 (as amended by S.I. 2020/1394).

Offences by bodies corporate

8.—(1) Where—

(a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association, and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—

(i) a relevant individual, or

(ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), "relevant individual" means in relation to—

(a) a body corporate—

(i) a director, manager, secretary or other similar officer of the body,

(ii) where the affairs of the body are managed by its members, a member,

(b) a Scottish partnership, a partner,

(c) an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

Defence of due diligence for suppliers

9.—(1) Where a person is charged with an offence under these Regulations it is a defence for that person to show that they took all reasonable precautions and exercised all due diligence to prevent the offence being committed.

(2) Where the defence provided by paragraph (1) involves an allegation that the commission of the offence was due to the act or omission of another person, the person charged must not, without leave of the court, be entitled to rely on the defence unless, within the period of 7 days before the hearing, the person charged has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in the possession of the person charged.

Enforcement

10.—(1) A local authority may authorise any person to exercise in its area, for an authorised purpose and in accordance with the terms of the authorisation, any of the powers specified in regulation 11, if that person appears to the local authority suitable to exercise them.

(2) An authorisation under paragraph (1) must be in writing.

(3) In this regulation "writing" includes electronic communications within the meaning of section 15(1) (general interpretation) of the Electronic Communications Act 2000(**a**), which have been recorded and are subsequently capable of being reproduced in written form.

Powers of entry and examination etc.

11.—(1) The powers which an enforcement officer may be authorised to exercise are—

(a) to enter at any reasonable time any premises (other than premises used wholly or mainly as a dwelling) which the enforcement officer has reason to believe it is necessary to enter for an authorised purpose,

(b) when entering any premises under sub-paragraph (a) to—

(**a**) 2000 c. 7. Section 15(1) was amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c. 21).

(i) be accompanied by another enforcement officer, and

(ii) bring any equipment or materials required for any authorised purpose for which the power of entry is being exercised,

(c) on entering any premises under sub-paragraph (a) to—

(i) make such examination and investigation as may in any circumstances be necessary,

(ii) take such measures and photographs and make such recordings as the enforcement officer considers necessary for the purpose of any such examination or investigation, and

(iii) require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any document which it is necessary for the enforcement officer to see for the purposes of any such examination or investigation and to inspect and take copies of the document,

(d) as regards any premises which an enforcement officer has power to enter under sub-paragraph (a), to direct that those premises or any part of them, or anything in them, be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of examination or investigation under sub-paragraph (c),

(e) to take any samples, or cause samples to be taken, of any articles or substances found in or on any premises which an enforcement officer has entered under sub-paragraph (a), and to cause any such articles or substances to be analysed or tested,

(f) in the case of any such sample, to take possession of it and to retain it for so long as is necessary for all or any of the following purposes to—

(i) examine it, and subject it to any process or test, or to cause it to be examined and subjected to any process or test (but not so as to damage or destroy it, unless that is necessary),

(ii) ensure that it is not tampered with before the examination, process or test is completed,

(iii) ensure that it is available for use as evidence in any proceedings for any offence under these Regulations,

(g) to require any person to afford the enforcement officer such facilities and assistance with respect to any matters or things within the person's control or in relation to which that person has responsibilities as are necessary to enable the enforcement officer to exercise any of the powers conferred on the enforcement officer by this regulation.

(2) Except in an emergency, where an enforcement officer proposes to enter any premises and—

(a) entry has been refused and the enforcement officer apprehends on reasonable grounds that the use of force may be necessary to effect entry, or

(b) the enforcement officer apprehends on reasonable grounds that entry is likely to be refused and that the use of reasonable force may be necessary to effect entry,

any entry on to those premises by virtue of paragraph (1)(a) may only be effected under the authority of a warrant by virtue of paragraph (3).

(3) If it is shown to the satisfaction of a sheriff, summary sheriff or justice of the peace on sworn information in writing that—

(a) there are reasonable grounds for entry into the premises for the purpose for which entry is required, and

(b) one or more of the conditions specified in paragraph (4) below is met,

the sheriff, summary sheriff or justice of the peace may by warrant authorise the enforcement officer to enter the premises, in accordance with the warrant and, if need be, by force.

(4) The conditions mentioned in paragraph (3)(b) are that—

(a) admission to any premises has been refused,

(b) such a refusal is reasonably apprehended,

(c) the premises are unoccupied,

(d) the occupier is temporarily absent from the premises and the case is one of urgency, or

(e) an application for admission to the premises would defeat the object of the proposed entry.

(5) A warrant issued under paragraph (3) continues in force until the purpose for which the entry is required has been satisfied.

(6) Nothing in paragraph (1)(c)(iii) compels the production by a person of any document which that person would on grounds of legal professional privilege be entitled to withhold from production on an order for the production of documents in an action in the Court of Session.

(7) An enforcement officer may only exercise the powers in paragraph (1) if the enforcement officer has reasonable cause to believe that an offence under regulation 3(1) has been committed.

(8) An enforcement officer seeking to exercise a power under paragraph (1) must produce evidence of identity and authority if requested by a person who is, or appears to be—

(a) a supplier of wet wipes containing plastic or an employee of such a supplier,

(b) the owner or occupier of any premises in relation to which the enforcement officer seeks to exercise the power concerned.

(9) In this regulation—

"document" includes any thing in which information of any description is recorded (by any means) and any part of such a thing, and

"emergency" means a case in which it appears to the enforcement officer in question that—

(a) there is an immediate risk of serious pollution of the environment or serious harm to human health, or

(b) circumstances exist which are likely to endanger life or health,

and immediate entry to any premises is necessary to verify the existence of that risk or those circumstances to ascertain the cause of that risk or those circumstances or to effect a remedy.

Power to give fixed penalty notices

12.—(1) An enforcement officer may, if having reason to believe that a person has committed an offence under regulation 3(1) , give that person a fixed penalty notice.

(2) A fixed penalty notice for an offence under regulation 3(1) may not be given more than 14 days after the day on which the offence took place.

(3) Where a person is given a fixed penalty notice in respect of an offence under regulation 3(1)—

(a) no proceedings may be instituted for that offence before the end of the period of 28 days beginning with the date of the notice, and

(b) the person may not be convicted of the offence if—

(i) the discounted amount is paid before the end of the period of 14 days beginning with the date of the notice, or

(ii) the fixed penalty is paid before the end of the period of 28 days beginning with the date of the notice.

(4) A fixed penalty payable in pursuance of a fixed penalty notice under this regulation is to be paid to the local authority in whose area the offence was committed.

(5) In any proceedings, a certificate which—

(a) purports to be signed by the person having responsibility for the financial affairs of the local authority to which the fixed penalty is to be paid, and

(b) states that payment of a fixed penalty or discounted amount was or was not received by the date specified in the certificate,

is evidence of the facts stated.

(6) An enforcement officer may require a person to give their name, address and date of birth, if the enforcement officer proposes to give the person a fixed penalty notice.

(7) A person commits an offence if the person—

(a) fails to give a name, address or date of birth when required to so under paragraph (6), or

(b) gives a false or inaccurate name, address or date of birth in response to a requirement under that paragraph.

(8) A person who commits an offence under paragraph (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Contents of a fixed penalty notice

13. A fixed penalty notice must—

(a) state the particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence,

(b) state the period during which, by virtue of regulation 12(3)(a), proceedings will not be instituted for the offence,

(c) state the amount of the fixed penalty, including any discounted amount that applies where payment is made before the end of the period of 14 days beginning with the date of the notice,

(d) set out the period within which the fixed penalty must be paid, including the period within which the discounted amount must be paid in order for the early payment discount to apply,

(e) explain that the fixed penalty notice contains an offer to discharge liability for the offence by payment of a fixed penalty and that the person is not required to accept that offer,

(f) explain that should the person choose not to accept the offer to discharge liability for the offence by payment of a fixed penalty, that person may be prosecuted for that offence,

(g) state the person to whom the fixed penalty may be paid, and the address for doing so.

Fixed penalty amounts and payment periods

14.—(1) Subject to paragraph (2), the fixed penalty amount and discounted amount for an offence under regulation 3(1) are—

(a) £200 (fixed penalty amount), and

(b) £100 (discounted amount).

(2) Where a person has accepted the offer of a fixed penalty, the fixed penalty must be paid—

(a) in order for the discounted amount to apply, before the end of the period of 14 days beginning with the date of the notice,

(b) in any other case, before the end of the period of 28 days beginning with the date of the notice.

GILLIAN MARTIN
A member of the Scottish Government

St Andrew's House,
Edinburgh
10th February 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prohibit persons from supplying or offering to supply wet wipes containing plastic and come into force on 11 August 2027.

Regulation 3 provides that it is an offence for a person, in the course of a business, to supply or offer to supply wet wipes containing plastic subject to certain exceptions (regulations 5 to 7). The exceptions include the supply of wet wipes containing plastic by registered pharmacies, supply for medical purposes, supply to businesses or supply to local authorities. A person found guilty of an offence under regulation 3 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Regulation 4 provides that it is an offence for a person to fail without reasonable excuse to comply with a requirement imposed in the exercise of an enforcement officer's powers under regulation 11(1)(c)(iii) or (g). A person found guilty of an offence under regulation 4 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Regulation 8 makes provision for offences by bodies corporate, Scottish partnerships and unincorporated associations.

Regulation 9 provides a defence of due diligence.

Regulation 10 provides that a local authority may authorise any person who appears suitable to exercise any of the powers specified in regulation 11. Regulation 11 provides for enforcement officers to have powers of entry to carry out the necessary investigations in order to determine whether an offence has been committed.

Regulations 12 to 14 provide for a fixed penalty notice procedure in relation to offences under regulation 3. Regulation 12 outlines the circumstances in which an enforcement officer may give a fixed penalty notice to a person, the effect of either accepting or refusing the offer to pay the fixed penalty, the time period during which the fixed penalty may be given, and the time period during which no other proceedings may be commenced in relation to an offence under regulation 3. It additionally provides an enforcement officer with a power to require that a person to be issued with a fixed penalty notice give their name, address and date of birth, and a related offence for refusing to provide that information or giving false information. A person found guilty of an offence under regulation 12(7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale. Regulation 13 sets out the particulars that must be included in a fixed penalty notice given under regulation 12, and regulation 14 provides for the amount of the fixed penalty and the discounted amount that applies when paid within the period identified.

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