POLICY NOTE

THE ENVIRONMENTAL PROTECTION (WET WIPES CONTAINING PLASTIC) (SCOTLAND) REGULATIONS 2026

SSI 2026/75

The above instrument was made 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 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

This instrument prohibits persons in the course of a business from supplying or offering to supply wet wipes containing plastic, with exceptions for the supply of wet wipes containing plastic by registered pharmacies, supply for medical purposes, supply to businesses, or supply to local authorities.

Policy Objectives

Wet wipes containing plastic are a type of single-use plastic item for which suitable alternatives exist. They are a prevalent and persistent marine litter item in Scotland when disposed of incorrectly or littered, and their numbers are increasing. Consumer behaviour is difficult to influence and change. Public behaviour campaigns generally only have a short-term impact. A more effective solution would be to remove such inappropriate items from sale, where suitable alternatives exist. This is an approach which has been taken previously for other problematic single-use plastic products such as cotton buds, balloon sticks, and cutlery.

The instrument will ban the supply and sale of wet wipes containing plastic by persons acting in the course of a business in Scotland, with exceptions. There will be exemptions for the supply of wet wipes containing plastic by retail pharmacy businesses, supply for medical purposes, supply to businesses and local authorities. Members of the public who have a genuine need for wet wipes containing plastic for medical care purposes will be able to obtain these on request from retail pharmacies.

A four nations approach has been taken on this issue. Other UK nations have already legislated with aligned scope and intent, and each with an 18-month transition period from the point the legislation was introduced to give manufacturers and retailers time to prepare and transition to the parameters of the ban.

Wales made their instrument in June 2025, and England and Northern Ireland both made their respective instruments in November 2025. Those various Regulations are due to come into force on 18 December 2026 for Wales, 18 May 2027 for Northern Ireland, and 19 May 2027 for England. This instrument will come into force on 11 August 2027.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, The Environmental Protection (Wet Wipes Containing Plastic) (Scotland) Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

It is the policy of the Scottish Ministers to continue alignment with the European Union where appropriate and in Scotland's interests. The introduction of a ban on the supply and sale of wet wipes containing plastic, with exceptions, supports this alignment by advancing the high standards that Scotland shares with the EU on single-use plastic products.

This instrument is relevant to the Scottish Government's policy to maintain alignment with the EU. Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment, known as the Single-Use Plastics Directive, is relevant to this instrument. The Single-Use Plastics Directive requires EU Member States, through this Directive, to implement marking requirements and extended producer responsibility for certain single-use plastic products, including wet wipes for personal care and domestic use. A ban on the supply and sale of wet wipes containing plastic, with exceptions, would therefore advance the high standards that Scotland shares with the EU on single-use plastic products.

This policy of banning the supply and sale of wet wipes containing plastic, with exceptions, aligns with the EU's approach and is not expected to impact access to EU markets for people, goods and services.

Consultation

With regard to the Scottish Government's Marine Litter Strategy for Scotland and similar policy documents published by the UK Government, Welsh Government and Northern Ireland Executive, and to comply with the requirements of the Regulatory Reform and Sanctions Act 2008 as that Act applies in England and Wales, a joint UK-wide public consultation took place from 14 October to 25 November 2023, entitled 'Wet wipes containing plastic: proposed ban on the manufacture, supply and sale'. This was made available on the UK Government website on behalf of all four nations.

The consultation sought views on

- the likely impact of the proposed ban on the businesses who manufacture, supply or sell wet wipes containing plastic,
- the likely impact of the proposed ban for consumers,
- any wider impacts of keeping wet wipes containing plastic in circulation,
- any wider impacts of wet wipes marketed as plastic-free,
- the composition of wet wipes made without plastic,
- if any exemptions are needed for wet wipes containing plastic, and
- the proposed timeframe for the commencement of the ban.

A series of individual engagement interviews and stakeholder group sessions with relevant businesses were held prior to, during, and following the consultation period. The basis of the ban would be to reduce this source of single-use plastic litter, and reduce the negative impacts posed if these items are incorrectly disposed of and arrive in the environment.

As a result of that consultation 1,561 responses were received. Over 93% of respondents either agreed or strongly agreed in support of a ban on the supply and sale of wet wipes containing plastic. A wide range of producers have engaged with the process and provided useful information and evidence which has fed into this analysis. This included information that they export a significant proportion of the wet wipes produced (a range of 20-50% of total sales). As a result, the decision was taken to proceed with a ban on the supply and sale of wet wipes containing plastic, with exceptions, on the basis of the negative environmental impacts associated with such single-use plastic items. Manufacturing for export will remain unaltered, as manufacturing of wet wipes containing plastic would still occur in other countries and a ban in Scotland would achieve little to no environmental gain.

A table of respondents to the consultation, along with numbers and percentages of the overall total respondents, is attached to the joint consultation summary report published on the UK Government website on behalf of all four nations. It includes wet wipe manufacturers, retailers, industry bodies, environmental NGOs, community groups, as well as individual members of the public.

The regulations were sent to the World Trade Organisation for comments from members as part of the Technical Barriers to Trade Agreement the Scottish Government is signed up to as a result of the UK's membership of the WTO. No comments were received.

Impact Assessments

The following impact assessments have been completed on the ban on the supply and sale of wet wipes containing plastic and are attached:

- Final Business and Regulatory Impact Assessment
- Child Rights and Wellbeing Impact Assessment, and Statement of Compatibility with UNCRC requirements
- Consumer Duty Impact Assessment
- Equality Impact Assessment
- Fairer Scotland Duty
- Island Communities Impact Assessment
- Full Strategic Environmental Assessment, and Post-adoption Statement

There is no aspect of the proposals which have a differential or discriminatory impact on equality groups, islands, or individuals.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached.

There will be no financial impact of this policy on the Scottish Government, and minimal impact on Local Government enforcement departments. A ban will not affect trade within the UK or at an international export level. Costs to producers are not considered to be prohibitive. Costs to retailers will be minimal. Relevant manufacturers identified in Scotland will not be affected. There will not be significant changes in retail prices.

Scottish Government
Marine Directorate

28 January 2026