EXPLANATORY MEMORANDUM TO

The Single Use Carrier Bags Charge (Coronavirus Amendment) Regulations (Northern Ireland) 2020

2020 No. 56

1. Introduction

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

1.2. The Statutory Rule is made under sections 77(2), 90(2)(b), 90(3)(a) and paragraphs 1 and 2(b) of Schedule 6 to the Climate Change Act 2008 and is subject to the negative resolution procedure.

2. Purpose

2.1. These Regulations amend the Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013 ("the 2013 Regulations") so that the requirement to charge for a carrier bag does not apply to bags used solely to carry goods supplied by a seller for home delivery as part of a grocery delivery service.

2.2. Similar domestic legislation is being introduced in England, Scotland and Wales.

3. Background

3.1. The Carrier Bag Levy was introduced in April 2013 by the 2013 Regulations. The 5 pence levy is currently applicable to all bags with a retail price of less than 20 pence subject to a number of exemptions which are detailed in the 2013 Regulations.

3.2. The 2013 Regulations define a carrier bag as "a bag of any material supplied or designed for the purpose of enabling goods to be taken away or delivered".

3.3. In light of COVID-19 and following discussions with the UK Government, the other Devolved Administrations and key representatives from the Northern Ireland retail sector, an amendment to the 2013 Regulations was considered necessary. The amendment will allow carrier bags to be exempt from the 5 pence levy for a limited period (from 1 April to 30 September 2020) as long as they are used solely to carry goods supplied by a seller for home delivery as part of a grocery delivery service.

3.4. This amendment will speed up deliveries, minimise the risk of spreading the virus and help to fulfil the Department's commitment to proactively tackling the virus. The levy will continue to be applicable for all bags supplied for in store shopping.

4. Consultation

4.1. In the circumstances, the Department was unable to carry out a formal consultation. However, discussions took place within Government across

the UK and with key representatives of the Northern Ireland retail sector who were supportive of the change.

5. Equality Impact

5.1. There are no equality impact implications arising from the Regulations.

6. Regulatory Impact

6.1. There are no regulatory impact implications arising from the Regulations.

7. Financial Implications

7.1. There are no financial impacts arising from the Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations do not contravene Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Similar domestic legislation is being introduced in England, Scotland and Wales.

11. Additional Information

11.1. These Regulations are being laid in breach of the 21-day rule for the Northern Ireland Assembly to pray against Statutory Rules.

11.2. This is necessary because suspending the charge for grocery delivery bags is expected to reduce the risk of contamination from COVID-19 for both customer and delivery driver, by allowing the driver to deposit bags of groceries on the door step and move quickly away, maintaining a safer distance for both parties. This measure will also increase the number of deliveries that can be made during a driver shift as the delivery process will be quicker.