POLICY NOTE

THE SINGLE USE CARRIER BAGS CHARGE (SCOTLAND) AMENDMENT REGULATIONS 2021

SSI 2021/134

The above instrument was made in exercise of the powers conferred by section 88 of the Climate Change (Scotland) Act 2009. The instrument is subject to affirmative procedure.

Purpose of the instrument. The purpose of the instrument is to increase the charge for a single use carrier bag from not less than 5 pence per bag to not less than 10 pence per bag.

Policy Objectives

The 5 pence minimum charge on carrier bags was introduced in the Single Use Carrier Bag Charge (Scotland) Regulations 2014. The original policy intent was to reduce litter, which was in line with Scotland's Zero Waste Plan and Safeguarding Scotland's Resources.

Carrier bags also have a disproportionate impact on wildlife, notably in the marine environment, where they can be mistaken for food and cause death after ingestion. As they are light and easily windblown, they can spread widely and be difficult and expensive to remove from the wider environment.

The policy intent of the proposed increase is to reinforce the benefits set out above, to reduce further the number of single use carrier bags that are sold in Scotland, and to encourage consumers to use sustainable alternatives to single use carrier bags.

The proposed increase delivers a Scottish Government commitment in the 2020/21 Programme for Government. It is also in line with plans being considered in the rest of the UK: Defra committed in August 2020 to increase the minimum charge to 10 pence from April 2021.[1]

Consultation

A formal six-week consultation Developing Scotland's Circular Economy; Proposals for Legislation was undertaken in November 2019. The consultation paper included two specific questions on the charge for single use carrier bags.[2] Independent analysis of the responses was published, the results of which were used to inform the framing of this policy.[3]

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website.

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[1] https://www.gov.uk/government/news/war-on-plastic-waste-stepped-up-with-extension-of-plastic-bag-charge

[2] The questions were: (i) Do you agree with the proposal to increase the minimum charge on single-use carrier bags from 5p to 10p? (306 respondents (80%) agreed (77 organisations (64%) and 229 individuals **%)); and (ii) Do you agree that the initial 5p minimum charge on single-use carrier bags has had a positive impact on the environment? (305 respondents (80%) agreed (80 organisations (67%) and 225 individuals (86%))

[3] Developing Scotland's Circular Economy: Proposals for Legislation: Analysis of responses (www.gov.scot)

Impact Assessments

An Equalities impact assessment, a Children's Rights and Wellbeing impact assessment and a Fairer Scotland Duty assessment have been completed on the draft SSI and are attached. There are no significant impact issues. The need for a Islands Communities impact assessment and a Strategic Environmental Assessment has been screened out.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is that costs of the proposed increase to the charge will be placed on retailers, consumers and carrier bag manufacturers/distributors. However, as many businesses have already switched from single use carrier bags to Bags for Life, additional cost to business is expected to be very low.

As set out in the current Single Use Carrier Bag (Scotland) Regulations 2014, retailers may reclaim reasonable administrative, monitoring and reporting costs from the charge and will therefore not experience a net impact.

Scottish Government
Directorate for Environment and Forestry

January 2021