

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Environment (Wales) Act 2016, Cross Heading: Discretionary requirements. (See end of Document for details)

PROSPECTIVE

SCHEDULE 1

CHARGES FOR CARRIER BAGS: CIVIL SANCTIONS

Discretionary requirements

- 4 (1) Carrier bag regulations may confer on an administrator the power by notice to impose one or more discretionary requirements on a person who breaches the regulations.
- (2) The regulations may only confer such a power in relation to a case where the administrator is satisfied on the balance of probabilities that the breach has occurred.
- (3) For the purposes of this Schedule, a “discretionary requirement” means—
- (a) a requirement to pay a monetary penalty to an administrator of such amount as the administrator may determine, or
 - (b) a requirement to take such steps as an administrator may specify, within such period as the administrator may specify, to secure that the breach does not continue or recur.
- (4) In this Schedule—
- “variable monetary penalty” (“*cosb ariannol amrywiadwy*”) means a requirement referred to in sub-paragraph (3)(a), and
 - “non-monetary discretionary requirement” (“*gofyniad yn ôl disgresiwn nad yw’n un ariannol*”) means a requirement referred to in sub-paragraph (3)(b).
- (5) Carrier bag regulations must, in relation to each kind of breach of the regulations for which a variable monetary penalty may be imposed—
- (a) specify the maximum penalty that may be imposed for a breach of that kind, or
 - (b) provide for that maximum to be determined in accordance with the regulations.
- (6) The regulations may not permit discretionary requirements to be imposed on a person on more than one occasion in relation to the same act or omission.

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