



Waste (Wales) Measure 2010

2010 nawm 8

Single use carrier bags

1 Charges for single use carrier bags: destination of proceeds

- (1) Schedule 6 to the Climate Change Act 2008 is amended in accordance with this section.
- (2) After paragraph 4 insert–

4A “Destination of proceeds – Wales

- (1) This paragraph applies to regulations made by the Welsh Ministers in relation to Wales.
- (2) The regulations may provide for the application of the net proceeds of the charge to specified purposes.
- (3) Regulations under sub-paragraph (2) may (among other things)–
 - (a) require sellers to apply the net proceeds of the charge to any one or more specified purposes;
 - (b) provide for any duty imposed under paragraph (a) to be discharged (subject to any provision made under paragraph (c)) by the net proceeds of the charge being accepted by any one or more of the following persons–
 - (i) specified persons;
 - (ii) persons who fall within a specified category of person;
 - (c) make provision about the arrangements under which the net proceeds of the charge are to be given by sellers to the persons mentioned in paragraph (b) or any other person;
 - (d) require persons who accept any net proceeds of the charge under paragraph (b) to apply the proceeds to any one or more specified purposes;

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- (e) provide for recovery by the Welsh Ministers of sums equal to the proceeds of the charge that have been accepted or applied otherwise than in accordance with provision made under sub-paragraph (2);
 - (f) provide for the application of sums recovered under paragraph (e) to specified purposes (this includes making provision to the effect that such sums are not to be paid into the Welsh Consolidated Fund);
 - (g) require the Welsh Ministers to give guidance about compliance with the regulations.
- (4) The purposes that may be specified under sub-paragraph (2) are limited to purposes relating to any of the following—
- (a) preventing or reducing waste;
 - (b) the collection, management, treatment or disposal of waste;
 - (c) protecting or improving the environment in relation to pollution or nuisances;
 - (d) educational or recreational activities for children or young people which relate to any of the matters specified in paragraphs (a) to (c).
- (5) But purposes concerning the production of renewable energy for consumption in transport or the use of that energy in transport may not be specified under sub-paragraph (2).
- (6) The regulations may make provision for regulations under this Schedule to apply to persons other than sellers, if the Welsh Ministers consider that such provision is appropriate for the enforcement of provision made under sub-paragraph (2) or for otherwise making such provision effective.
- (7) The specified factors under paragraph 3(2)(c) may also include—
- (a) a seller's arrangements for applying the net proceeds of the charge, or
 - (b) any other factor that the Welsh Ministers consider appropriate, whether or not that factor is of the same kind as the factors listed in that paragraph.
- (8) The regulations may provide for exceptions and exemptions.

4B Interpretation of paragraph 4A

- (1) This paragraph applies for the purposes of paragraph 4A.
- (2) “Children” means persons who have not attained the age of 18.
- (3) “Pollution” means pollution of the air, water or land which may give rise to any environmental harm, including (but not limited to) pollution caused by light, noise, heat or vibrations or any other kind of release of energy.
- (4) For the purposes of the definition in sub-paragraph (3), “environmental harm” means any of the following—
 - (a) harm to the health of humans and other living organisms;
 - (b) harm to the quality of the environment, including—
 - (i) harm to the quality of the environment taken as a whole,
 - (ii) harm to the quality of the air, water or land, and
 - (iii) other impairment of, or interference with, the ecological systems of which any living organisms form part;

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- (c) offence to the senses of human beings;
 - (d) damage to property;
 - (e) impairment of, or interference with, the amenity of the environment or any legitimate use of the environment.
- (5) For the purposes of sub-paragraphs (3) and (4), “air” includes (but is not limited to) air within buildings and air within other natural or man-made structures above or below ground.
- (6) “Nuisance” means an act or omission affecting any place, or a state of affairs in any place, which may impair, or interfere with, the amenity of the environment or any legitimate use of the environment.
- (7) “Net proceeds of the charge” has the same meaning as in paragraph 7(4).
- (8) “Young people” means persons who have attained the age of 18, but not the age of 25.”.
- (3) After paragraph 7(3) insert–
- “(3A) Regulations made by the Welsh Ministers may also require the publication or supply of records or information relating to the amount received by a person from a seller by way of net proceeds of the charge to be applied to purposes specified under paragraph 4A(2).”.
- (4) After paragraph 8(2) insert–
- “(2A) Regulations made by the Welsh Ministers may also confer powers on an administrator to question a person the administrator reasonably believes has received any net proceeds of the charge or officers or employees of such a person.”.

2 Regulations: procedure

In section 77 of the Climate Change Act 2008, after subsection (4)(a) insert–

- “(aa) they are the first regulations to be made by the Welsh Ministers under paragraph 4A of the Schedule.”.

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