

Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, SCHEDULE 9. (See end of Document for details)

SCHEDULES

SCHEDULE 9

Section 55

CHARGES FOR SINGLE USE ITEMS

General power

- 1 (1) The relevant national authority may by regulations make provision about charging by sellers of goods or services for items specified in the regulations.
- (2) Regulations made by the Secretary of State or the Welsh Ministers may specify only items which—
 - (a) are single use items, and
 - (b) are supplied in connection with goods or services.
- (3) Regulations made by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland may specify only items which—
 - (a) are single use items,
 - (b) are made wholly or partly of plastic, and
 - (c) are supplied in connection with goods or services.
- (4) A “single use item” is a manufactured item which is likely to be used only once, or used only for a short period of time, before being disposed of.
- (5) An item is supplied in connection with goods or services if it is supplied—
 - (a) at the place the goods or services are sold or provided, for the purpose of enabling the goods to be taken away, used or consumed, or enabling the services to be received, or
 - (b) for the purpose of enabling goods to be delivered.
- (6) In particular, a container or other packaging into which goods are placed at the point of sale is supplied in connection with goods.

Commencement Information

- 11** [Sch. 9 para. 1](#) in force at 9.1.2022 for E.W., see [s. 147\(2\)\(e\)](#)
- 12** [Sch. 9 para. 1](#) in force at 28.2.2022 for N.I. by [S.R. 2022/54](#), [art. 2\(1\)\(g\)](#)

Requirement to charge

- 2 The regulations may make provision requiring sellers of goods or services to charge for items specified in the regulations.

Commencement Information

- 13** [Sch. 9 para. 2](#) in force at 9.1.2022 for E.W., see [s. 147\(2\)\(e\)](#)

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I4 Sch. 9 para. 2 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(g)

Sellers of goods and services

- 3 (1) “Seller”, in relation to goods or services, has the meaning given by the regulations.
- (2) The regulations may define that term by reference (in particular) to—
- (a) a person’s involvement in selling the goods or services,
 - (b) a person’s interest in goods or services, or
 - (c) a person’s interest in the place at or from which the goods or services are sold or provided,
- or any combination of those factors.
- (3) The regulations may make provision for the regulations to apply—
- (a) to all sellers of goods or services, or
 - (b) to sellers of goods or services identified by reference to factors specified in the regulations.
- (4) The factors which may be specified in the regulations include—
- (a) the place or places at or from which a seller supplies goods or services,
 - (b) the type of goods or services that a seller supplies,
 - (c) the value of goods or services that a seller supplies, and
 - (d) a seller’s turnover or any part of that turnover.

Commencement Information

- I5** Sch. 9 para. 3 in force at 9.1.2022 for E.W., see s. 147(2)(e)
I6 Sch. 9 para. 3 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(g)

Amount of charge

- 4 The regulations may specify the minimum amount that a seller must charge for an item specified in the regulations, or provide for that amount to be determined in accordance with the regulations.

Commencement Information

- I7** Sch. 9 para. 4 in force at 9.1.2022 for E.W., see s. 147(2)(e)
I8 Sch. 9 para. 4 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(g)

Administration

- 5 (1) The regulations may appoint a person (an “administrator”) to administer provision made by the regulations.
- (2) More than one person may be appointed as an administrator.
- (3) The regulations may confer functions on an administrator (including functions involving the exercise of discretion).

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- (4) References in this Schedule to an administrator include a person appointed by an administrator or exercising functions on an administrator's behalf.

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- I9** Sch. 9 para. 5 in force at 9.1.2022 for E.W., see s. 147(2)(e)
I10 Sch. 9 para. 5 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(g)

Registration

- 6 (1) The regulations may require sellers to register with an administrator.
- (2) The regulations may make provision—
- (a) about applications for registration;
 - (b) about the period for which registration has effect;
 - (c) about the cancellation of registration.
- (3) The regulations may require sellers to pay to the administrator, in connection with their registration, fees of an amount determined by or in accordance with the regulations.
- (4) The regulations may provide for the amount of the fees to be such as to recover the costs incurred by the administrator in performing its functions under the regulations.

Commencement Information

- I11** Sch. 9 para. 6 in force at 9.1.2022 for E.W., see s. 147(2)(e)
I12 Sch. 9 para. 6 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(g)

Record-keeping and publication of records

- 7 (1) The regulations may require records to be kept relating to charges made for items specified in the regulations.
- (2) The regulations may require the records, or such other information as may be specified—
- (a) to be published at such times and in such manner as may be specified;
 - (b) to be supplied on request and in such manner as may be specified to—
 - (i) the relevant national authority,
 - (ii) an administrator, or
 - (iii) members of the public.
- (3) The regulations may (in particular) require the publication or supply of records or information relating to any of the following—
- (a) the amount received by a seller by way of charges for items specified in the regulations;
 - (b) the seller's gross or net proceeds of the charge;
 - (c) the uses to which the net proceeds of the charge have been put.
- (4) In this paragraph—

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“gross proceeds of the charge” means the amount received by the seller by way of charges for items specified in the regulations;

“net proceeds of the charge” means the seller’s gross proceeds of the charge reduced by such amount as may be specified.

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I13 Sch. 9 para. 7 in force at 9.1.2022 for E.W., see s. 147(2)(e)

I14 Sch. 9 para. 7 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(g)

Enforcement

- 8 (1) The regulations may confer functions on an administrator to enforce provision made by the regulations.
- (2) The regulations may (in particular) confer powers on an administrator to—
- (a) require the production of documents or the provision of information, or
 - (b) question a seller or officers or employees of a seller.
- (3) Regulation under sub-paragraph (2) must contain provision for ensuring that the power in question is exercised by a person only where the person reasonably believes there has been a failure to comply with a requirement of regulations under this Schedule.

Commencement Information

I15 Sch. 9 para. 8 in force at 9.1.2022 for E.W., see s. 147(2)(e)

I16 Sch. 9 para. 8 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(g)

Civil sanctions

- 9 (1) The regulations may make provision for, about or connected with the imposition of civil sanctions in respect of failures to comply with the regulations, or the obstruction of or failure to assist a person on whom functions are conferred by the regulations.
- (2) The regulations may make provision for appeals against such sanctions.
- (3) In this paragraph “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- (4) The regulations may include provision for the imposition of sanctions of that kind whether or not—
- (a) the conduct in respect of which the sanction is imposed constitutes an offence,
 - (b) the enforcement authority is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008, or
 - (c) the relevant national authority may make provision for the imposition of sanctions under that Part.

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I17 Sch. 9 para. 9 in force at 9.1.2022 for E.W., see **s. 147(2)(e)**

I18 Sch. 9 para. 9 in force at 28.2.2022 for N.I. by S.R. 2022/54, **art. 2(1)(g)**

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