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Welsh Government

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# Proposals for enforcement of the Environmental Protection (Single-use Plastic Products) (Wales) Bill: addendum

Overview of consultation with the Secretary of State for Environment, Food and Rural Affairs and UK Government on the Welsh Ministers' proposals regarding civil sanctions regulations. 3 July to 31 August 2023.

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On 3 July 2023, the Minister for Climate Change wrote to the Secretary of State for Environment, Food and Rural Affairs (“the Secretary of State”) to inform them on proposals to introduce civil sanctions to support the implementation of the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 (“the Act”).

Minister Pow, Parliamentary Under Secretary of State for Environment, Food and Rural Affairs, as the Minister responsible for the policy area, responded on 26 July 2023. No specific comments were made due to the ongoing constructive engagement between UK Government and Welsh Government officials. This ongoing engagement identified a proposed change in approach in England to the civil sanctions being made available to local authority enforcement officers in relation to their existing regulations (the Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020) and their forthcoming regulations (The Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023).

This proposal involved the provision of Fixed Monetary Penalties (FMPs), compliance notices, stop notices and enforcement undertakings for both sets of regulations. This meant the Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020 would be amended to replace Variable Monetary Penalties (VMPs) with FMPs.

Additionally, it was noted there were proposals to amend the Environmental Protection (Microbeads) (England) Regulations 2017 (again to provide for FMPs instead of VMPs).

The rationale for these proposed changes was based on discussions between the UK Government and the Association of Chief Trading Standards Officers. There was a preference amongst enforcement officers for FMPs when dealing with these types of environmental offences. It was suggested they found them less resource intensive to use. A similar view was expressed by a respondent to our consultation.

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