

SL(5)537 – The Single Use Carrier Bags Charge (Wales) (Amendment) Regulations 2020

Background and Purpose

The Single Use Carrier Bags Charge (Wales) Regulations 2010 (“the 2010 Regulations”) require sellers of goods, who supply single use carrier bags for the purpose of allowing those goods to be carried away or delivered, to make a charge for each such bag supplied. However, Schedule 1 of the 2010 Regulations exempts certain types of single use carrier bags from the charge.

These Regulations amend Schedule 1 of the 2010 Regulations in order to exempt bags used solely for delivery or collection of groceries from the charge. The exemption is to be temporary, for a period of three-months from the date these regulations come into force.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument:

Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

1. We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date subordinate legislation is laid before the Assembly and the date the subordinate legislation comes into force), and the explanation for the breach provided by Rebecca Evans, Minister for Finance and Trefnydd to the Llywydd in a letter dated 8 April 2020. In particular, we note what the letter says about these Regulations coming into force on the day after the day on which they were made:

“The 2020 Regulations were made and laid as soon as practicable on public health grounds, in order to minimise the risk to home delivery staff and other customers of spreading or contracting COVID-19 during the course of home deliveries. As a result, they have come into force less than 21 days after they were made.

Not adhering to the 21 day convention allows the Regulations to come into force on 9 April 2020 and in view of the circumstances surrounding this disease, the reduced period is therefore thought necessary and justifiable in this case.”

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.



Government Response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

20 April 2020



Cynulliad Cenedlaethol Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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National Assembly for Wales

Legislation, Justice and Constitution Committee