



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE: The United Kingdom Internal Market Act 2020: Exclusions from Market Access Principles – Single-use Plastics Regulations 2022

DATE: 09 June 2022

BY: Julie James MS, Minister for Climate Change

Schedule 1 to the United Kingdom Internal Market Act 2020 (UKIMA) provides that the mutual recognition and non-discrimination principles under Part 1 of UKIMA will not affect the application of certain legislative restrictions and requirements. Section 10 of UKIMA provides that the Secretary of State may amend Schedule 1 by statutory instrument (SI). For example, to give effect to an agreement that forms part of a Common Framework agreement and provides that certain cases, matters, requirements or provision should be excluded from the application of the market access principles.

On 9 June, the Secretary of State made the United Kingdom Internal Market Act 2020 (Exclusions from Market Access Principles: Single-Use Plastics) Regulations 2022 (“the exclusion SI”) using the powers under section 10 of UKIMA. The exclusion SI excludes eight single use plastic items (straws, stirrers, plates, cutlery, balloon sticks, expanded polystyrene food containers and cups and cotton buds) from the market access principles under UKIMA. In accordance with section 10 of UKIMA, the Secretary of State has sought the Welsh Ministers’ consent to the making of the exclusion SI.

The exclusion was requested by the Scottish Government to support their regulations to ban a number of single use plastic items. The Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021 are scheduled to come into force on 1 June 2022. The Exclusion SI should come into force as soon as close to this date as possible. Given the time constraints, I have written to the Legislation, Justice and Constitution Committee signalling my intent to consent for the exclusion SI to be laid.

I am mindful the Senedd did not consent to the making of UKIMA itself. The Act, which has been imposed on Wales by the UK Parliament, purports to restrict the Senedd’s ability to legislate in devolved matters. This is something we simply cannot accept and have set out our objections in a legal challenge.

In consenting to the exclusion SI, our position with regard to UKIMA has not changed. We do not believe UKIMA has the impact on Senedd competence it purports to have. However, with the UKIMA litigation between the Welsh and UK governments yet to conclude, we recognise it may be in our interests to cooperate with the exclusions process. This is without prejudice to the litigation. On this basis, I have consented to the exclusion SI.

The scale of the nature and climate emergency means our environment must be prioritised. We have a short window in which to act. I will soon be bringing forward Welsh legislation to ban a number of commonly littered single use plastic items and have ambition to go further. The Senedd cannot be held back from taking required action to address these challenges and protect the Welsh environment, both now and for future generations.