

## The Environmental Protection (Single-use Plastic Products) (WALES) BILL – GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Julie James, Minister for Climate Change MS on **31 October 2022**.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1.	Section 1, page 1, line 15, after 'polymer,' insert 'other than an adhesive, paint or ink,'.	Adran 1, tudalen 1, llinell 17, ar ôl 'polymer' yn y lle cyntaf y mae'n ymddangos, mewnosoder ' , ac eithrio adlyn, paent neu inc'	<p>Purpose - This amendment modifies the definition of plastic in section 1 of the Bill to clarify the definition of 'plastic'.</p> <p>Effect - The effect of this amendment is to exclude any plastic adhesive, paint or ink from the definition of plastic that applies for the purposes of the offences in the Bill.</p>
2.	Section 1, page 1, line 16, leave out 'mixed with additives or which' and insert 'that'.	Adran 1, tudalen 1, llinell 18, hepgorer 'sydd wedi ei gymysgu ag ychwanegion neu'.	This amendment is a minor technical amendment with the purpose and effect of achieving consistency in drafting throughout the Bill. It is consequential to amendment 24.
3.	Section 2, page 1, line 29, after 'of', insert 'one or more of the following'.	Adran 2, tudalen 1, llinell 30, ar ôl 'ag', mewnosoder 'un neu ragor o'r canlynol'.	<p>Purpose - This amendment is consequential to amendment 5. It amends the wording of section (2) which sets out the definition of a prohibited single-use plastic product for the purposes of the Bill.</p> <p>Effect -The effect is to provide that where one or more of the types of exemptions listed in paragraphs (i) to (iii) (as inserted by amendment 5) apply in respect of a single-use plastic product it will not be prohibited for the purposes of the offences in the Bill.</p>
4.	Section 2, page 1, line 31, leave out 'particular type of and insert 'a particular type of the'.	Adran 2, tudalen 1, llinell 32, hepgorer 'o gynnyrch' a mewnosoder 'o'r cynnyrch'.	<p>Purpose - This is a correction to section 2(1)(ii) and makes the provision consistent with 2(1)(i) and 2(1)(iii) as is inserted by amendment 5.</p> <p>Effect - The effect of the amendment is to provide that an</p>

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			exemption listed in column 2 of the Table in the Schedule may apply to a particular type of the product listed in the corresponding entry in column 1.
5.	Section 2, page 1, after line 31, insert— '( ) the circumstances in which the product (or a particular type of the product) may be offered for supply'.	Adran 2, tudalen 1, ar ôl llinell 32, mewnosoder— '( ) yr amgylchiadau y caniateir cynnig cyflenwi'r cynnyrch (neu fath penodol o'r cynnyrch) odanynt.'	Purpose - This amendment inserts a new paragraph (iii) at the end of section 2(1) to the effect set out below.  Effect - The effect of this amendment is to make it clear that in the future the Welsh Ministers may wish to amend the Table in the Schedule to the Bill to include an exemption that applies in respect of the circumstances in which a product listed in the Table may be offered for supply. It has no bearing on the existing exemptions listed in the Table which all fall within either paragraph 2(1)(i) or (ii).
6.	Section 2, page 2, after line 2, insert— '( ) The Welsh Ministers must prepare and publish guidance about— (a) the single-use plastic products that are prohibited under this Act; (b) the application of any exemptions listed in column 2 of the Table in paragraph 1 of the Schedule.'	Adran 2, tudalen 2, ar ôl llinell 2, mewnosoder— '( ) Rhaid i Weinidogion Cymru baratoi a chyhoeddi canllawiau ynghylch— (a) y cynhyrchion plastig untro sydd wedi eu gwahardd o dan y Ddeddf hon; (b) cymhwyso unrhyw esemptiadau a restrir yng ngholofn 2 o'r Tabl ym mharagraff 1 o'r Atodlen.'	Purpose – Section 2 of the Bill defines a prohibited single-use plastic product for the purposes of the Bill. The purpose of this amendment is to insert a new subsection containing a guidance making duty into section 2.  Effect - The effect of this amendment is to impose a duty on Welsh Ministers to produce guidance about single-use plastic products prohibited under the Act and exemptions listed in column 2 of the Table in the Schedule.
7.	Section 3, page 2, after line 10, insert— '( ) Before making regulations under this section the Welsh Ministers must consult— (a) local authorities; (b) the Natural Resources Body for Wales and any other person that the Welsh Ministers consider to be concerned with promoting	Adran 3, tudalen 2, ar ôl llinell 10, mewnosoder— '( ) Cyn gwneud rheoliadau o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori ag— (a) awdurdodau lleol; (b) Corff Adnoddau Naturiol Cymru ac unrhyw berson arall y mae Gweinidogion	Purpose – section 3 of the Bill makes provision about the powers of the Welsh Ministers to make regulations amending the list of products banned by the Bill. The purpose of the amendment is to add in a new subsection containing a requirement to consult on such regulations.  Effect – The effect of the amendment is to impose a duty on the Welsh Ministers to consult local authorities, NRW and

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	<p>the protection of the environment in Wales;</p> <p>(c) such persons as the Welsh Ministers consider represent the interests of producers or suppliers of single-use plastic products in Wales;</p> <p>(d) such other persons as the Welsh Ministers consider appropriate.’.</p>	<p>Cymru yn ystyried ei fod yn ymwneud â hybu diogelu'r amgylchedd yng Nghymru;</p> <p>(c) y personau hynny y mae Gweinidogion Cymru yn ystyried eu bod yn cynrychioli buddiannau cynhyrchwyr neu gyflenwyr cynhyrchion plastig untro yng Nghymru;</p> <p>(d) y personau eraill hynny y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.’.</p>	<p>any other bodies appearing to the Welsh Ministers to be concerned with promoting the protection of the environment in Wales, such persons as the Welsh Ministers consider represent the interests of producers or suppliers of single-use plastic products in Wales and such other persons as the Welsh Ministers consider appropriate before making regulations made under the powers in Section 3.</p>
8.	<p>Section 5, page 2, after line 28, insert—</p> <p>‘( ) A person of a description referred to in subsection (2) (“P”) commits an offence if that person—</p> <p>(a) supplies (as to which see subsection (3)) a prohibited single-use plastic product to a consumer who is in Wales, and this includes arranging for the delivery of the product to a consumer at an address in Wales;</p> <p>(b) offers on premises in Wales (as to which see subsection (4)) to supply a prohibited single-use plastic product to a consumer.’.</p>	<p>Adran 5, tudalen 2, ar ôl llinell 28, mewnosoder—</p> <p>‘( ) Mae person o ddisgrifiad y cyfeirir ato yn is-adran (2) (“P”) yn cyflawni trosedd os yw'r person hwnnw—</p> <p>(a) yn cyflenwi (ynglŷn â hynny gweler is-adran (3)) gynnyrch plastig untro gwaharddedig i ddefnyddiwr sydd yng Nghymru, ac mae hyn yn cynnwys trefnu i ddanfôn y cynnyrch at ddefnyddiwr mewn cyfeiriad yng Nghymru;</p> <p>(b) yn cynnig mewn mangre yng Nghymru (ynglŷn â hynny gweler is-adran (4)) cyflenwi cynnyrch plastig untro gwaharddedig i ddefnyddiwr.’.</p>	<p>Purpose – Section 5 sets out the offence of “supplying” or “offering to supply” a prohibited single-use plastic product. The purpose of amendments 8-17 is to modify the section in order to improve the clarity of the provisions and to ensure that it cannot be interpreted in a way that is different to the intended effect. This amendment breaks the existing subsection (1) into two subsections and modifies the wording accordingly.</p> <p>Effect - as the purpose of the provision is to restructure and make modifications to the wording of section 5 in order to make it more clear, it could be said that the amendment has no effect beyond this. However it <i>is</i> designed to have the effect of ensuring that the meaning of the words “offering to supply” cannot be interpreted more widely than was intended, most notably to include the mere listing of a prohibited single-use plastic product on a website.</p> <p>So new subsection (1) expressly provides that the offence of “supply” applies in relation to a consumer who is in Wales including where the supplier arranges to have a supplied product delivered to the consumer at an address</p>

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			<p>in Wales. It also expressly provides that an offence of “offering to supply” a product may only be committed on premises in Wales. Details of the meaning of supply and offer to supply are provided in subsequent subsections.</p> <p>New subsection (2) contains provision that was formerly in subsection (1) setting out the types of persons that may commit an offence under this section.</p>
9.	Section 5, page 2, line 29, leave out ‘It is an offence for a person (“P”) of any of the following descriptions to supply a prohibited single-use plastic product to a consumer in Wales’ and insert ‘The descriptions of person that may commit an offence under this section are’.	Adran 5, tudalen 2, llinell 29, hepgorer ‘Mae’n drosedd i berson (“P”) o unrhyw un neu ragor o’r disgrifiadau a ganlyn gyflenwi cynnyrch plastig untro gwaharddedig i ddefnyddiwr yng Nghymru’ a mewnosoder ‘Y disgrifiadau o berson a all gyflawni trosedd o dan yr adran hon yw’.	This amendment is a technical amendment required as a consequence of amendment 8
10.	Section 5, page 2, line 36, after ‘product,’ insert ‘or’.	Adran 5, tudalen 2, llinell 38, ar ôl ‘cynnyrch,’ mewnosoder ‘neu’.	This amendment is a technical amendment required as a consequence of amendment 11
11.	Section 5, page 3, line 1, leave out ‘, or (c) offers to sell the product or provide it free of charge’.	Adran 5, tudalen 3, llinell 1, hepgorer ‘, neu (c) yn cynnig gwerthu’r cynnyrch neu ei ddarparu am ddim’.	<p>Purpose – this subsection defines the meaning of “supply” for the purposes of the offence. The purpose of this amendment is to remove the reference to “offering to supply” a product from the definition of supply so that it may be dealt with separately. This is done for technical purposes.</p> <p>Effect – the effect of this amendment together with amendment 10 is to separate the offence of supply from the offence of offering to supply. This allows each offence to be provided for independently of the other as appropriate. The offences themselves are not changed by this amendment.</p>
12.	Section 5, page 3, after line 2, insert—	Adran 5, tudalen 3, ar ôl llinell 2,	Purpose – to insert a new subsection setting out the scope

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	<p>( ) P offers to supply a prohibited single-use plastic product if P, or any person accountable to P—</p> <p>(a) displays the product on the premises, or</p> <p>(b) otherwise keeps the product on the premises such that it is accessible by, or available to, a consumer at the premises.’</p>	<p>mewnosoder—</p> <p>( ) Mae P yn cynnig cyflenwi cynnyrch plastig untro gwaharddedig os yw P, neu unrhyw berson sy’n atebol i P—</p> <p>(a) yn arddangos y cynnyrch yn y fangre, neu</p> <p>(b) fel arall yn cadw’r cynnyrch yn y fangre yn y fath fodd fel ei fod yn hygyrch i ddefnyddiwr, neu ar gael i ddefnyddiwr, yn y fangre.’</p>	<p>of offer to supply in detail.</p> <p>Effect – the amendment makes it clear that an offence of offer to supply will only be committed if a person displays the product on premises in Wales or otherwise keeps the product on the premises such that it is accessible or available to a consumer who is visiting the premises.</p>
13.	<p>Section 5, page 3, line 14, leave out ‘arranges for a product to be delivered to a consumer, P supplies the product when it is delivered to the address provided by the consumer.’ and insert ‘is shown to have arranged for a product to be delivered to a consumer at an address in Wales the product is taken to have been supplied by P to that consumer even if (for whatever reason)—</p> <p>(a) the product was delivered to a different address, or</p> <p>(b) the product was not delivered to any known address.’</p>	<p>Adran 5, tudalen 3, llinell 14, hepgorer ‘fo P yn gwneud trefniadau i ddanfôn cynnyrch at ddefnyddiwr, mae P yn cyflenwi’r cynnyrch pan fydd y cynnyrch yn cael ei ddanfôn i’r cyfeiriad a ddarparwyd gan y defnyddiwr.’ a mewnosoder ‘ddangosir bod P wedi trefnu i ddanfôn cynnyrch at ddefnyddiwr mewn cyfeiriad yng Nghymru cymerir bod y cynnyrch wedi ei gyflenwi gan P i’r defnyddiwr hwnnw hyd yn oed os (am ba reswm bynnag)—</p> <p>(a) danfonwyd y cynnyrch i gyfeiriad gwahanol, neu</p> <p>(b) na ddanfônwyd y cynnyrch i unrhyw gyfeiriad hysbys.’.</p>	<p>Purpose – to restructure existing subsections (4) and (5) of section 5 in order to take account of the restructuring of subsection (1).</p> <p>Effect – the effect of the inserted text is to provide that where a person is shown to have arranged for a product to be delivered to a consumer at an address in Wales the product is taken to have been supplied to that consumer for the purposes of the offence. It does not matter whether the product was in fact delivered elsewhere or was not delivered at all.</p>
14.	<p>Section 5, page 3, line 16, leave out subsection (5).</p>	<p>Adran 5, tudalen 3, llinell 17, hepgorer is-adran (5).</p>	<p>This amendment is a technical amendment required as a consequence of amendment 13</p>

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15.	Section 5, page 3, line 27, leave out 'prohibited single-use plastic product' and insert 'single-use plastic product of a kind listed in column 1 of the Table in paragraph 1 of the Schedule'.	Adran 5, tudalen 3, llinell 28, hepgorer 'gwaharddedig' a mewnosoder 'o fath a restrir yng ngholofn 1 o'r Tabl ym mharagraff 1 o'r Atodlen'.	<p>Purpose – section 5(8) provides that in proceedings for an offence the Crown does not have to prove that a product is plastic and single-use unless this is contested. The purpose of this amendment together with the following amendment 15 is to substitute the existing provision in section 5(8) with a restructured provision that includes the existing rule, but also makes provision about when a product can be taken to have been “supplied” in cases where the supplier arranges delivery to a consumer at an address in Wales. These two provisions are grouped in the same subsection for clarity and accessibility reasons.</p> <p>Effect – the effect of the inserted text is to provide firstly that the Crown does not have to prove that a product is single-use, plastic or a product of a type listed in the table (such as a cup or a drink stirrer) unless this is contested and evidence to the contrary is adduced by the defendant.</p>
16.	Section 5, page 3, line 29, leave out 'Act' and insert 'section'.	Adran 5, tudalen 3, llinell 30, hepgorer 'y Ddeddf' a mewnosoder 'yr adran'.	This amendment is a minor technical amendment with the purpose and effect of achieving consistency in drafting throughout the Bill.
17.	Section 20, page 9, line 13, leave out 'means a bag, with or without handles, supplied for the purpose of carrying items sold or provided with the bag (and see also section 1(6))' and insert 'has the meaning given in paragraph 2 of the Schedule'.	Adran 20, tudalen 9, llinell 13, hepgorer 'ystyr “bag siopa” (“carrier bag”) yw bag, gydag handlenni neu hebddynt, a ddarperir at ddiben cludo eitemau a werthwyd neu a ddarparwyd gyda'r bag (a gweler hefyd adran 1(6));' a mewnosoder 'mae i “bag siopa” (“carrier bag”) yr ystyr a roddir ym mharagraff 2 o'r Atodlen;'.	<p>Purpose – Section 20 contains general interpretative provision. The purpose of this amendment is to move the definition of carrier bag from the interpretation section into paragraph 2 of the Schedule which contains interpretative provision specific to the items listed in the table and prohibited under the Bill. It must be read in conjunction with amendment 23.</p> <p>Effect – the effect of the amendment is to remove the definition of carrier bag from the Bill (but see also amendment 23. which reinserts this definition).</p>

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18.	<p>Schedule 1, page 11, Table 1, line 15, column 2, leave out 'where—</p> <p>P is a person lawfully conducting or involved in lawfully conducting a retail pharmacy business, where P is not a pharmacist, the individual selling the straw on behalf of P is a pharmacist or an individual acting under the supervision of a pharmacist, and the person to whom P supplies the straw declares to P' and insert 'who is lawfully conducting a retail pharmacy business where—</p> <p>(a) P—</p> <p>(i) is a sole trader and the transaction is carried out by P personally, or is carried out on behalf of P by a pharmacist or an individual acting under the supervisions of a pharmacist (including P), or</p> <p>(ii) is not a sole trader and the transaction is carried out on behalf of P by a pharmacist or an individual acting under the supervision of a pharmacist, and</p> <p>(b) the consumer to whom P supplies the straw declares'.</p>	<p>Atodlen 1, tudalen 11, Tabl 1, llinell 20, colofn 2, hepgorer ', pan fo—</p> <p>P yn berson sy'n cynnal yn gyfreithlon, neu sy'n ymwneud â chynnal yn gyfreithlon, fusnes fferyllfa fanwerthu,</p> <p>pan na fo P yn fferyllydd, fod yr unigolyn sy'n gwerthu'r gwelltyn ar ran P yn fferyllydd neu'n unigolyn sy'n gweithredu o dan oruchwyliaeth fferyllydd, a</p> <p>y person' a mewnosoder 'sy'n cynnal yn gyfreithlon fusnes fferyllfa fanwerthu—</p> <p>(a) pan—</p> <p>(i) fo P yn unig fasnachwr a'r trafodiad yn cael ei gynnal gan P ei hun, neu'n cael ei gynnal ar ran P gan fferyllydd neu unigolyn sy'n gweithredu o dan oruchwyliaeth fferyllydd (gan gynnwys P), neu</p> <p>(ii) na fo P yn unig fasnachwr a'r trafodiad yn cael ei gynnal ar ran P gan fferyllydd neu unigolyn sy'n gweithredu o dan oruchwyliaeth fferyllydd, a</p> <p>(b) pan fo'r defnyddiwr'.</p>	<p>Purpose – Exemption 1 sets out an exemption in respect of sale of a straw by a pharmacy to a person who declares they need the straw for health or disability reasons. The purpose of the amendment is to restructure this provision to ensure clarity and technical accuracy in relation to different types of retail pharmacy business. (This provision is complex not due to the nature of the exemption itself but rather due to the need to refer to existing provisions concerning pharmacy businesses – something that has been clarified by the amendment).</p> <p>Effect – although the inserted text is different from that which is omitted by the amendment the effect of the inserted text is broadly the same as the text omitted most significantly in respect of the exemption itself (the need to declare that a straw is needed for health or disability reasons). Therefore the text still provides that a retail pharmacy business may sell a straw to a person who declares that they or someone they will give it to needs it for health or disability reasons.</p>
19.	<p>Schedule 1, page 11, Table 1, line 30, column 2, in the second place it appears, leave out 'person' and insert 'consumer'.</p>	<p>Atodlen 1, tudalen 11, Tabl 1, llinell 35, colofn 2, hepgorer 'person' a mewnosoder 'defnyddiwr'.</p>	<p>This amendment is a minor technical amendment with the purpose and effect of achieving clarity and consistency in drafting throughout the Bill.</p>
20.	<p>Schedule 1, page 11, Table 1, line 33, column 2, after 'P', insert ', or an individual providing care to A on</p>	<p>Atodlen 1, tudalen 11, Tabl 1, llinell 38, colofn 2, ar ôl 'P', mewnosoder ', neu unigolyn sy'n</p>	<p>This amendment is a minor technical amendment with the purpose and effect of achieving clarity and consistency in</p>

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	behalf of P,.’	darparu gofal i A ar ran P,.’	drafting throughout the Bill.
21.	Schedule 1, page 11, Table 1, line 37, column 2, in the second place it appears, leave out ‘person’ and insert ‘consumer’.	Atodlen 1, tudalen 12, Tabl 1, llinell 3, colofn 2, hepgorer ‘person’ a mewnosoder ‘defnyddiwr’.	This amendment is a minor technical amendment with the purpose and effect of achieving clarity and consistency in drafting throughout the Bill.
22.	Schedule 1, page 11, Table 1, line 38, column 2, leave out ‘to P that they need the straw, or another person’ and insert ‘that they need the straw, or an individual’.	Atodlen 1, tudalen 12, Tabl 1, llinell 4, colofn 2, hepgorer ‘i P ei fod ef angen y gwelltyn, neu fod person arall’ a mewnosoder ‘ei fod angen y gwelltyn, neu fod unigolyn’.	This amendment is a minor technical amendment with the purpose and effect of achieving clarity and consistency in drafting throughout the Bill.
23.	Schedule 1, page 13, after line 14, insert— “carrier bag” (“bag siopa”) means a bag, with or without handles, supplied for the purpose of carrying items sold or provided with the bag (and see also section 1(6));’.	Atodlen 1, tudalen 13, ar ôl llinell 29, mewnosoder— ‘ystyr “bag siopa” (“carrier bag”) yw bag, gyda handlenni neu hebddynt, a ddarperir at ddiben cludo eitemau a werthwyd neu a ddarparwyd gyda’r bag (a gweler hefyd adran 1(6));’.	Purpose – paragraph 2 of the Schedule to the Bill contains interpretative provision relating to the Table in paragraph 1 of the Schedule. The purpose of this amendment is to move the definition of carrier bag from the interpretation section into this paragraph. It must be read in conjunction with amendment 18.  Effect – the effect of this provision is that “carrier bag” will be defined in paragraph 2 to the Schedule and will therefore be capable of amendment by regulations made under section 3 of the Bill.
24.	Schedule 1, page 14, line 20, leave out ‘additives which accelerate’ and insert ‘any substance added for the purpose of accelerating’.	Atodlen 1, tudalen 14, llinell 34, hepgorer ‘ychwanegion sy’n’ a mewnosoder ‘unrhyw sylwedd a ychwanegir at ddiben’.	Purpose - paragraph 2 of the Schedule to the Bill contains interpretative provision relating to the Table in paragraph 1 of the Schedule. The purpose of this amendment is to add greater clarity to the definition of oxo-degradable plastics.  Effect – the effect of the amendment is to make it clear that the definition of oxo-degradable plastics is not intended to catch plastics that have additives such as colourants which accelerate the degradation of the plastic but which were not added for this purpose.