

## Single-use carrier bags

In the guide

Single-use carrier bag: definition

Exemptions

Record keeping

Further information

Penalties

Key legislation

### This guidance is for England

Under the Single Use Carrier Bags Charges (England) Order 2015 all large retailers are required to charge a minimum of 5p for every new single-use carrier bag they supply, although there are exemptions.

The Order only applies to goods sold (and put into bags) in England. All large retailers that supply new single-use carrier bags at a place in England in order to allow goods sold to be taken away, and any retailer that supplies single-use carrier bags in England with the purpose of enabling goods sold to be delivered to any person in England, are subject to this Order.

The rationale behind the charge is to try and substantially reduce the amount of single-use carrier bags being supplied, used and thrown away in England. All bags use energy and create emissions to produce. Plastic bags can take hundreds of years to decompose and discarded bags result in unsightly litter, which can be harmful to animals and the environment.

It is hoped that small changes to customer habits will promote sustainability and that the money collected by retailers as a result of the minimum charge will be passed on to good causes in England, which will in turn benefit the local community and the environment.

It should be noted that similar charges exist in other parts of the United Kingdom but the legislation differs slightly between countries. Retailers that supply goods in single-use carrier bags to other parts of the UK should familiarise themselves with the applicable regional legislation to avoid non-compliance.

**Note:** due to the coronavirus pandemic, there is a temporary exemption from the requirement to charge for bags used in online grocery deliveries; this exemption lasts until 21 September 2020 (see '**Exemptions**' below for more information).

### Single-use carrier bag: definition

All types of new single-use carrier bag made of lightweight plastic material (less than 70 microns), with handles, must be subject to a minimum charge of 5p (including VAT) when supplied new for the first time

to carry goods, as described above.

Failing to charge for single-use carrier bags in accordance with the Order without reasonable cause may constitute a breach of this Order.

Retailers can choose to charge more than 5p per bag; this is the minimum charge. It is a commercial decision for the retailer whether or not they wish to charge for bags that would otherwise be exempt from the minimum charge.

Customers should be aware that they are under no obligation to buy bags from the retailer; they can of course bring their own bags to reuse or decline bags for delivery.

## Exemptions

Unlike in other parts of the UK, this Order only relates to sellers that have 250 contracted employees at the start of the reporting year. This figure is based on the number of full-time equivalent employees a seller has, calculated as follows:  $TH/37.5$  where TH is the total number of hours per week for which all the employees of the business are contracted to work.

Businesses that have fewer than 250 contracted employees at the start of the reporting year are exempt from the requirements to charge for bags in England, although charges may be required if new single-use carrier bags are used to deliver goods into other parts of the UK.

Businesses that are exempt from the Order due to the number of FTE employees they have may still charge for single-use carrier bags voluntarily.

The supply of certain single-use carrier bags are exempt from the minimum charge; see details of these exemptions below:

- **unwrapped food bag.** A bag intended to be used solely to contain wholly or partly unwrapped food for human or animal consumption
- **unwrapped loose seeds bag.** A bag intended to be used solely to contain wholly or partly unwrapped loose seeds, bulbs, corns, rhizomes, flowers or goods contaminated by soil
- **unwrapped blades bag.** A bag intended to be used solely to contain wholly or partly unwrapped axes, knives, knife blades or razor blades
- **prescription-only medicine bag.** A bag intended to be used solely to contain a prescription-only medicine, a pharmacy medicine or a listed appliance sold in accordance with a prescription
- **uncooked meat food bag.** A bag intended to be used solely to contain uncooked fish or fish products, meat or meat products, or poultry or poultry products
- **live aquatic creatures bag.** A bag intended to be used solely to contain live aquatic creatures in water
- **returnable multiple reuse bag (often called a 'bag for life').** A bag that all of the following apply to:
  - sold for 5p or more
  - intended to be returnable to the seller from which it was purchased to be replaced free of charge
  - made from material with a thickness of between 50 and 70 microns
  - has a width and height both greater than 404 mm, and either the width or the height greater than 439 mm (disregarding the width of any gussets, or the height of any handles extending above the main body of the bag)
- **woven plastic bag.** A bag constructed from material that is made by interlacing long threads passing in one direction with others at a right angle to them

- **transit goods bag.** A bag that is intended to be used to carry goods in a 'transit place' - for example, on board a ship, train, aircraft, coach or bus
- **single-use carrier bags** that would otherwise be subject to the minimum charge but have been re-used.

A temporary exemption for online food deliveries has been introduced during the coronavirus (COVID-19) pandemic; it lasts until 21 September 2020. You still need to charge for click-and-collect or collect-in-store orders, as well as for non-food products.

## Record keeping

Sellers are required to keep accurate records of the number of single-use carrier bags that they supply in each reporting year (the reporting year runs from 7 April to 6 April the following year).

These records must include:

- the number of single-use carrier bags supplied during the reporting year
- the gross (total) proceeds of the charge. This figure is on the basis of the 5p minimum charge and is calculated at 5p multiplied by the number of chargeable bags supplied
- the amount of any VAT received by way of the gross proceeds of the charge
- the amount of any reasonable costs
- the apportionment between any different kinds of reasonable costs
- the net (final amount after deductions) proceeds of the charge. This represents the final amount left after the seller has deducted their 'reasonable costs' of complying with the legislation and any VAT
- the uses to which the net proceeds have been put. It is expected that all proceeds will be donated to good causes

'Reasonable costs' include costs reasonably incurred by the seller to comply with this legislation and to communicate information about the charge to customers; it might include, for example, obtaining legal advice, staff training and providing customer notices about the charge.

The seller must keep the aforementioned records for a period of three years beginning 31 May in the reporting year following that to which the record relates and must supply a copy to the Secretary of State. The Secretary of State will in turn publish these records. The records must be submitted electronically via the Department for Environment, Food and Rural Affairs' dedicated Carrier Bags Charge Reporting Portal.

Sellers must make their records available during the three-year period and they can be requested in writing by any person; written requests must be satisfied within 28 days of receipt.

## Further information

Businesses seeking further information should contact their local authority. The Order will normally be administered by officers of the trading standards service.

Guidance from the Department for the Environment, Food and Rural Affairs on retailers' responsibilities is available on the GOV.UK website.

## Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers,

enforcement and penalties'.

## Key legislation

Single Use Carrier Bags Charges (England) Order 2015

Last reviewed / updated: April 2020

## In this update

Information added about the temporary exemption due to the coronavirus outbreak

## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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