

General Information	
Ministerial Decision Type	Presentation of: a Report
Report Title	Ministerial Guidance to Support the Implementation of the Single-Use Plastics etc. (Restrictions) Jersey Law 2021
Minister	Infrastructure
Signatory	Minister
Lead Department	Infrastructure, Housing and Environment (IHE)
Lead Directorate	Regulation (IHE)
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Deputy Chief Trading Standards Officer
Date of Report	08/04/2022
Supplementary Report Title <i>(If applicable)</i>	Insert Supplementary Report Title.
Supplementary Report Author <i>(If applicable)</i>	Insert Official Title Only.
Date of Supplementary Report <i>(If applicable)</i>	Select Date of Supplemental Report.
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	Insert Relevant Case/Application.
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Single-Use Plastics etc. (Restrictions) Jersey Law 2021
Action required if recommendation agreed	Department to take necessary action.

Resource Implications	There are no new financial and/or manpower implications.
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Introduction

1.0 Purpose of the Report

The purpose of this report is to outline the guidance that supports the implementation of the Single-Use Plastics Etc. (Restrictions) (Jersey) Law 2021. This report accompanies a Ministerial Decision to issue the guidance with immediate effect, ahead of the Law coming into force on 21 July 2022.

2.0 Background

On 21st July 2021, the States Assembly approved the [Single Use Plastics etc. \(Restrictions\) \(Jersey\) Law 2021](#).

The Law prohibits the importation and supply of specified single use bags and applies a minimum price to the supply of reusable paper and plastic bags.

This Law will come into effect on the 21st July 2022 and applies to all traders.

The Law includes the provision for the Minister for Infrastructure to 'issue guidance as to the application of this Law, and in particular as to the type or technical specification of carrier bags or other items to which this Law does not apply' (Article 14).

This report sets out the guidance to be approved via a Ministerial Decision.

3.0 Discussion

This section of the report outlines the detailed guidance.

3.1 Summary

The guidance points are summarised below:

Bags used to contain the following items are exempt from the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021:

- uncooked fish and fish products
- prescription medicine or appliance
- live fish or other aquatic creatures
- goods in transport, such as at an airport, plane or ship

Bags supplied by distributors/wholesalers are exempt from the price set out in Schedule 2 (reusable bags)

Reusable bags that have been previously purchased by a customer and given to a trader by a customer for free reuse purposes are exempt from the price set out in Schedule 2 (reusable bags)

A reusable paper bag must be made of recyclable paper to a weight of 170gsm or above. Bags must not contain wet strength resin, must not be laminated (using non-paper materials) and must not contain any contaminants such as textiles or plastic/glitter coatings on the bag

A reusable plastic bag must be made of recyclable plastic with a wall thickness of 50 microns or above. Plastic bags must be made from a single grade of plastic, for example Grade 2 (HDPE) or Grade 4 (LDPE)

Bags defined under Schedule 1 of the Law that have already been purchased by traders before the Law comes into force may continue to be supplied for a period of 6 months from the date that the Law comes into effect

3.2 Goods specific exemptions

Specific concerns were raised during the consultation period. Following discussion with Environmental Health, Customs and the States Vet, the exemptions shown below were recommended in the technical departmental report provided to support the draft Law:

Bags used to contain the following items are exempt from the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021:

- *uncooked fish and fish products*
- *prescription medicine or appliance*
- *live fish or other aquatic creatures*
- *goods in transport, such as at an airport, plane or ship*

Further information regarding how the above exemptions were developed are included in the departmental technical report that supported the Proposition P.61-2021 to approve the draft Law as [Appendix A](#) (page 23).

3.3 Wholesaler exemption

An exemption is required to exclude bag distributors (wholesalers) from applying the minimum price to each reusable plastic and paper bag they supply.

The application of this charge on the wholesale price would put local suppliers at a competitive disadvantage.

This exemption to be included in the guidance is:

Bags sold by distributors/wholesalers are exempt from the price set out in Schedule 2 (reusable bags)

3.4 Exemption to allow reuse of pre-purchased bags

Many shops have a container where customers can donate their unwanted reusable bags so that the bags can be used again by other customers i.e. if someone forgets their bag.

This supports the ethos behind the Law by encouraging reuse and helping to reduce the number of bags in circulation and this should be allowed to continue when the Law comes into force.

This exemption to be included in the guidance is:

Reusable bags that have been previously purchased by a customer and given to a trader by a customer for reuse purposes are exempt from the price set out in Schedule 2 (reusable bags) provided they are supplied 'free of charge' to the customer.

3.5 Technical specification of a reusable paper and plastic bag

Reusable bags are specified in Schedule 2 of the Single Use Plastics etc. (Restrictions) (Jersey) Law 2021 as shown below. This Schedule defines the bags that must be supplied to customers at the minimum charge (or above).

2 Restricted items and their price

Technical specification	Price (inclusive of GST, if applicable)
Carrier bag with or without handle, made of recyclable plastic, with a wall thickness of 50 microns or above	£0.70
Carrier bag with or without handle, made of recyclable paper to a weight of 170 gsm or above	£0.70

Guidance is required to define 'recyclable plastic' and 'recyclable paper' so that the specification of bags is aligned with recycling guidance. The following definitions are provided with further detail to encourage compliance and best practise:

3.5.1 Reusable paper bags

A reusable paper bag must be made of recyclable paper to a weight of 170gsm or above. Bags must not contain wet strength resin, must not be laminated (with non-paper materials) and must not contain any contaminants such as textiles or plastic/glitter coatings on the bag

The above guidance was prepared following discussions with IHE's paper recycling contractor, a paper recycler, a leading bag distributor and IHE's Recycling Manager.

To support traders minimise the environmental impact of paper bags they provide and ensure that the bags used are easy to recycle, the following additional information will be provided:

Unacceptable/bags cannot contain:	<ul style="list-style-type: none"> • Wet strength resin • Any contaminants such as textiles or plastic/glitter coatings on the bag • Lamination using any non-paper materials
Acceptable/ bags may contain:	<ul style="list-style-type: none"> • Minimal printing • White fibres with a printed coating • Textile handles - the need to remove these before recycling should be communicated to customers, preferably on the bag and at the point of purchase • Spot UV • Foiling • Gloss printing (no flexo ink) • Embossing • Debossing
Recommended/we encourage bags that contain:	<ul style="list-style-type: none"> • Minimal printing using water based inks (no flexo ink) • Uncoated paper • No colour dyed fibres • FSC Certified • Includes a percentage of recycled paper content • Paper handles • Water based glues • Small amounts of glue • A 'recycle me' reminder printed on the bag

Paper bags can be recycled along with other paper. Brown paper bags should be recycled with cardboard.

3.5.2 Reusable plastic bags

A reusable plastic bag must be made of recyclable plastic with a wall thickness of 50 microns or above. Plastic bags must be made from a single grade of plastic, for example Grade 2 (HDPE) or Grade 4 (LDPE)

The above guidance was prepared following discussions with IHE's plastic bottle recycling contractor, a plastics recycler, a leading bag distributor, British Plastics

Federation and IHE's Recycling Manager. In the absence of a local recycling collection for plastic bags, this definition will ensure bags comply with any future scheme.

To ensure that the bags used are easy to recycle, the following additional information will be provided:

Recommended/ we encourage bags that contain:	<ul style="list-style-type: none">• Made from a lower number of plastic grade (i.e. Grade 2 is preferable to Grade 4)• Minimise print (letters, logo and background colour)• Avoid black coloured bags• No metallic print• No foiling
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Detailed advice will also be available regarding bioplastics, bio-degradable and compostable materials.

In the absence of a centralised recycling collection, traders are encouraged to find opportunities for a 'take back' scheme with their bag supplier or through an independent provider.

IHE is currently researching a plastic bag recycling scheme in order to achieve easy recycling for this material in the future.

3.6 Timescale for the use of existing bag stocks

An Amendment to the draft Law was supported by the States Assembly which allows traders to use 'stocks of such bags existing in Jersey before the commencement of this provision'. 'Such bags' refers to single use bags defined in Schedule 1 of the Law.

This means traders can continue to use stocks of bags that fail to comply with the Single Use Plastics etc. (Restrictions) (Jersey) Law 2021 if the bags are in Jersey prior to 21st July 2022.

While this is helpful to use up existing stocks, it is confusing to customers as the general communications will advise that these types of bags are prohibited, yet some will still be in active circulation. It also creates an unfair environment for traders.

The concern is that the Amendment did not contain any timescale in which to contain the extended use of non-compliant single use bags and so the following guidance is recommended:

Bags defined under Schedule 1 of the Law that have already been purchased by traders before the Law comes into force may continue to be used for a period of 6 months from the date that the Law comes into effect

This means that existing stocks of bags will need to be exhausted before 21st January 2023.

Questions were included in the industry consultation regarding preferred timescales for the exhaustion of existing stocks of bags held. A 6 month period was generally accepted.

4.0 Communications

The Law requires the Minister to ‘publish any guidance issued under this Article, by such means as the Minister reasonably considers will draw the guidance to the attention of those who may be affected by this Law.’

The Environmental and Consumer Protection Team are working with traders and professional bodies including Jersey Business and Chamber of Commerce to raise awareness of the implementation of the Law and the provide advice. This includes:

- Dedicated website page: gov.je/singleuseplastics
- Dedicated email address: singleuseplastics@gov.je
- FAQ resource
- Factsheets for traders
- Video explaining the changes business may need implement (in discussion with the central Communications Team)
- Meetings with individual businesses and professional bodies

Further communications are planned to raise awareness across the general public in advance of the Law coming into force.

5.0 Conclusion

The Single-Use Plastics Etc. (Restrictions) (Jersey) Law 2021 will come into effect on 21 July 2022. The guidance outlined in this report is required to provide clarification and detail to traders and their wholesale providers so that they can make any changes required within their businesses in order to be compliant.

Recommendation

The Minister to approve the guidance detailed in this report to support the implementation of the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021.

Reason(s) for Decision

The Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021 includes the provision for the Minister for Infrastructure to ‘issue guidance as to the application of this Law, and in particular as to the type or technical specification of carrier bags or other items to which this Law does not apply’ (Article 14).

Resource implications

Ministerial Office
Ministerial Decision Report



There is no resource or cost implication to approving the guidance provided as the guidance points will be incorporated into the existing implementation plan.

Action required

A Ministerial Decision is required that approves the guidance explained in this report.

As the Law comes into effect on 21 July 2021, this guidance is required to support compliance with the Law.