Draft Regulations laid before Parliament under paragraph 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No. 0000

ENVIRONMENTAL PROTECTION, NORTHERN IRELAND

The Single-use Plastic (Northern Ireland) Regulations 2026

Made - - - - 00 Month 2026

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8C(1) and (2) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In making these Regulations, the Secretary of State has had special regard to the matters listed in section 46 (and regard to the guidance issued under section 46A) of the United Kingdom Internal Market Act 2020(**b**).

In accordance with paragraph 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018(**c**), a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Single-use Plastic (Northern Ireland) Regulations 2026.

(**a**) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) ("the 2020 Act"). Section 8C was subsequently amended by section 55(3) of the United Kingdom Internal Market Act 2020 (c. 27). Paragraph 21 of Schedule 7 was amended by paragraph 53 of Schedule 5 to the 2020 Act. There are other amendments not relevant to this instrument. Further to the Joint Declaration No. 1/2023 of the EU and the United Kingdom in the Joint Committee established by the Withdrawal Agreement of 24 March 2023, the Protocol on Ireland/Northern Ireland in the withdrawal agreement (as amended by Joint Committee Decision No. 1/2023) is now known as the Windsor Framework (see also section 39 of the 2020 Act where the Windsor Framework is defined).

(**b**) 2020 c. 27. Section 46A was inserted by S.I. 2024/163. The guidance is published by the Northern Ireland Office at https://www.gov.uk/government/publications/northern-irelands-place-in-the-uk-internal-market-and-customs-territory and available in hard copy from 1 Horse Guards Road, London, SW1A 2HQ, United Kingdom.

(**c**) Paragraph 8F was inserted by paragraph 51 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1). Paragraph 8F was subsequently amended by paragraph 3(3) of Schedule 3 to the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

(2) These Regulations come into force on 1st April 2027.

(3) These Regulations extend to Northern Ireland only.

Interpretation

2.—(1) In these Regulations—

"authorised person" means a person authorised by the Department under regulation 7(1) and includes an officer of a district council authorised under regulation 7(3);

"the Department" means the Department of Agriculture, Environment and Rural Affairs;

"the Directive" means Directive (EU) 2019/904(**a**) of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment;

"premises" means any place and, in particular, includes—

(a) any vehicle, vessel or aircraft; and

(b) any tent or moveable structure;

"recycled plastic" has the meaning given in Article 1 of Commission Implementing Decision (EU) 2026/1425(**b**) for the calculation and verification of recycled plastic content in single-use plastic beverage bottles, as amended from time to time;

"supply" means supply, whether by sales or not, in the course of a business.

(2) Expressions used in these Regulations have the same meaning as they do in the Directive.

(3) The Interpretation Act (Northern Ireland) 1954(**c**) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

PART 2

Reduction and restriction of certain single-use plastic products and products made from oxo-degradable plastic

Consumption reduction

3.—(1) The Department must adopt measures in accordance with Article 4(1) of the Directive, to achieve a measurable quantitative reduction in the consumption of the single-use plastic products listed in Part 1 of the Schedule.

(2) The duty in paragraph (1) may be met, in whole or in part, by measures adopted before the coming into force of these Regulations.

Prohibitions

4. A person must not supply, offer to supply or have in their possession for supply—

(a) a single-use plastic product listed in Part 2 of the Schedule;

(b) a product made from oxo-degradable plastic.

Product requirements

5.—(1) A person must not supply, offer to supply or have in their possession for supply a single-use plastic product listed in Part 3 of the Schedule that has a plastic cap or lid, unless the product—

(**a**) OJ No. L 155, 12.6.2019, pp. 1-19.
(**b**) OJ No. L 2026/1425, 3.7.2026.
(**c**) 1954 c. 33 (N.I.).

(a) is designed so that the cap or lid will remain attached to the container during the product's intended use stage; or

(b) complies with the harmonised standard for test methods and requirements used to demonstrate that plastic caps and lids remain securely attached to beverage containers as set out in Commission Implementing Decision (EU) 2023/1060(**a**) on a harmonised standard for test methods and requirements to demonstrate that plastic caps and lids remain attached to beverage containers drafted in support of Directive (EU) 2019/904 of the European Parliament and of the Council.

(2) Subject to paragraph (3), a person must not supply, offer to supply or have in their possession for supply beverage bottles falling within the description in Part 3 of the Schedule which are manufactured from polyethylene terephthalate ("PET") as the major component unless the beverage bottle contains at least 25% recycled plastic, as calculated—

(a) by the average for all PET beverage bottles supplied in Northern Ireland; and

(b) in compliance with the rules laid down in Commission Implementing Decision (EU) 2026/1425 for the calculation and verification of recycled plastic content in single-use plastic beverage bottles, as amended from time to time.

(3) From 1st January 2030 a person must not supply, offer to supply or have in their possession for supply beverage bottles falling within the description in Part 3 of the Schedule unless the beverage bottle contains at least 30% recycled plastic, as calculated—

(a) by the average for all such beverage bottles supplied in Northern Ireland; and

(b) in compliance with the rules laid down in Commission Implementing Decision (EU) 2026/1425 for the calculation and verification of recycled plastic content in single-use plastic beverage bottles, as amended from time to time.

(4) In this regulation, "plastic cap or lid" excludes a metal cap or lid with a plastic seal.

Marking requirements

6. A person must not supply, offer to supply or have in their possession for supply a single-use plastic product listed in Part 4 of the Schedule, unless the product itself or its packaging bears a marking which—

(a) is conspicuous, clearly legible and indelible; and

(b) complies with the harmonised marking specifications laid down for that product in Commission Implementing Regulation (EU) 2020/2151(**b**) laying down rules on harmonised marking specifications on single-use plastic products listed in Part D of the Annex to Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment.

PART 3

Enforcement, penalties and alternatives to prosecution

Enforcement

7.—(1) The Department may authorise in writing any person to exercise enforcement powers.

(2) The Department may specify in writing descriptions of district council officers who may be authorised to exercise enforcement powers.

(3) Where the Department specifies a description of district council officers under paragraph (2), a district council may authorise any of its officers falling within that description to exercise enforcement powers in its district.

(**a**) OJ No. L 142, 1.6.2023, pp. 34-35.
(**b**) OJ No. L 428, 18.12.2020, pp. 57-67.

(4) An authorised person exercising enforcement powers must produce, on request, evidence of their authorisation.

(5) An authorised person must state, if requested—

(a) their name;

(b) the power exercised; and

(c) the grounds for the exercise of the power.

(6) In this regulation, "enforcement powers" means the powers conferred on an authorised person by this Part.

Powers of entry

8.—(1) An authorised person may enter any premises, if the authorised person has reasonable grounds to believe that it is necessary for the purpose of enforcement of these Regulations.

(2) An authorised person may only enter premises used wholly or mainly as a private dwelling under a warrant issued under regulation 9.

(3) Unless permitted by a warrant issued under regulation 9, an authorised person may only enter premises under paragraph (1) at a reasonable hour.

(4) An authorised person who enters any unoccupied premises under paragraph (1) or regulation 9 must leave them as effectively secured against unauthorised entry as they were before the authorised person's entry.

Powers of entry: with warrants

9.—(1) A lay magistrate may, by signed warrant, authorise an authorised person to enter any premises for the purpose of enforcement of these Regulations if the lay magistrate is satisfied, on a sworn complaint made in writing, that—

(a) there are reasonable grounds for entering the premises; and

(b) any one of the conditions in paragraph (2) is met.

(2) The conditions are that—

(a) entry to the premises has been, or is likely to be, refused and notice of the intention to apply for a warrant has been given to the occupier;

(b) asking for admission to the premises, or giving notice of intention to apply for a warrant, would defeat the object of the entry;

(c) entry is urgently required; or

(d) the premises are unoccupied or the occupier is temporarily absent.

(3) A warrant is valid for 30 days beginning with the day it is issued.

(4) A warrant must specify—

(a) the name of the person who applied for it;

(b) the date on which it is issued;

(c) that it is issued under this regulation;

(d) the address of the premises to be entered; and

(e) the purpose for which entry is required.

Execution of warrants

10.—(1) Where the occupier of the premises to be entered is present at the time when an authorised person seeks to execute a warrant, the authorised person must—

(a) identify themselves to the occupier;

(b) produce the warrant to the occupier; and

(c) supply the occupier with a copy of the warrant.

(2) Where the occupier of the premises is not present at the time when an authorised person seeks to execute a warrant, but some other person who appears to the authorised person to be in charge of the premises is present, paragraph (1) has effect as if any reference to the occupier were a reference to that other person.

(3) If there is no person present who appears to the authorised person to be in charge of the premises, the authorised person must leave a copy of the warrant in a prominent place on the premises.

General entry

11.—(1) An authorised person entering premises under regulation 8 or under a warrant issued under regulation 9 may—

(a) carry out any searches or inspections, if necessary using reasonable force;

(b) open or examine, or both, anything that is on the premises, or that is attached to or otherwise forms part of the premises, if necessary using reasonable force;

(c) take possession of products on the premises and retain them where the authorised person has reasonable grounds to believe they may be relevant in connection with the enforcement of these Regulations;

(d) have access to, and inspect and copy, any information (in whatever form it may be held) which the authorised person has reasonable grounds to believe may be relevant in connection with the enforcement of these Regulations and remove such information to enable it to be copied;

(e) photograph or make a recording of anything which the authorised person has reasonable grounds to believe may be relevant in connection with the enforcement of these Regulations.

(2) Any person, who accompanies an authorised person entering premises under paragraph (1), may perform any of the authorised person's functions but only under the supervision of the authorised person.

(3) Where an authorised person takes possession of products and retains them under paragraph (1)(c), the authorised person may—

(a) only take an amount that is reasonably needed for the performance of their functions under these Regulations;

(b) arrange to have them analysed; and

(c) retain them for as long as reasonably necessary.

(4) Nothing in paragraph (1)(d) or (e) may be taken to compel the production by any person of a document which they would be entitled to refuse to produce on grounds of legal professional privilege in proceedings in the High Court.

Offences and penalties

12.—(1) A person who supplies, offers to supply or has in their possession for supply a product in breach of regulation 4, 5 or 6 is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to a term of imprisonment not exceeding 2 years or to a fine, or to both.

Offences due to fault of another person

13.—(1) Where the commission by a person ("A") of an offence under these Regulations is due to the act or default of another person ("B"), B is guilty of the offence.

(2) B may be charged with and convicted of the offence whether or not proceedings are taken against A.

Offences by bodies corporate

14.—(1) For the purposes of these Regulations, section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words "the liability of whose members is limited".

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts or defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(3) Where any offence under these Regulations committed by a partnership is proved—

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on the partner's part,

the partner, as well as the partnership, is guilty of the offence and liable to be proceeded against accordingly.

(4) Where any offence under these Regulations committed by an unincorporated association (other than a partnership) is proved—

(a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member, as well as the association, is guilty of the offence and liable to be proceeded against accordingly.

Compliance notices

15.—(1) Where an authorised person has reasonable grounds to believe that a person ("P") has breached regulation 4, 5 or 6, thereby committing an offence under regulation 12, the authorised person may, in respect of such a breach, issue a compliance notice to P.

(2) A "compliance notice" is a notice—

(a) offering P the opportunity of discharging any liability to conviction for an offence arising from the breach referred to in paragraph (1); and

(b) requiring P to satisfy such requirements as are specified in the notice, within such time period as is specified in the notice, to ensure compliance with regulation 4, 5 or 6.

(3) A compliance notice must only be progressed with the consent of P, who may withdraw their consent at any time.

(4) Where P is issued with a compliance notice under paragraph (1)—

(a) no proceedings may be instituted for the offence before the expiration of the time period specified in the notice ("it") unless—

(i) P does not consent to it;

(ii) P withdraws their consent to it; or

(iii) the authorised person withdraws it under paragraph (8);

(b) P is not to be convicted of the offence if P satisfies such requirements as are specified in the notice and within such time period as is specified in the notice.

(5) A compliance notice must be in writing and must contain information as to—

(a) the details of the breach of regulation 4, 5 or 6;

(b) the requirements P must satisfy in order to become compliant with regulation 4, 5 or 6;

(c) the time period within which each requirement must be satisfied; and

(d) the consequences of failing to comply with the notice.

(6) An authorised person may, at any time in writing, vary a compliance notice, in order to—

(a) ensure P's compliance with regulation 4, 5 or 6; or

(b) correct a defect in that compliance notice.

(7) A compliance notice may be varied by—

(a) modifying a requirement;

(b) adding a requirement;

(c) removing a requirement.

(8) Prior to the satisfaction of all requirements of a compliance notice within the specified time period, an authorised person may issue a notice, in writing, to P withdrawing the compliance notice where the authorised person has reasonable grounds to believe that P has committed a new breach of regulation 4, 5 or 6.

Fixed penalty notices

16.—(1) If an authorised person has reasonable grounds to believe that a person ("P") has breached regulation 4, 5 or 6, thereby committing an offence under regulation 12, the authorised person may, in respect of such a breach, issue a fixed penalty notice to P.

(2) A "fixed penalty notice" is a notice offering P the opportunity of discharging any liability to conviction for an offence arising from the breach referred to in paragraph (1) by payment of a fixed penalty.

(3) The fixed penalty notice must only be progressed with the consent of P, and P may withdraw their consent at any time.

(4) Where P is issued with a fixed penalty notice under paragraph (1)—

(a) no proceedings may be instituted for that offence before the expiration of the period of 14 days following the date of the notice; and

(b) P is not to be convicted of that offence if P pays the fixed penalty before the expiration of that period.

(5) The fixed penalty notice must be in writing and must contain information as to—

(a) the details of the breach of regulation 4, 5 or 6;

(b) the amount of the fixed penalty;

(c) the date by which the fixed penalty must be paid;

(d) the name of the authorised person or district council to whom the fixed penalty must be paid;

(e) the address at which the fixed penalty may be paid;

(f) the method by which the fixed penalty must be paid;

(g) the consequences of failing to pay the fixed penalty.

(6) The fixed penalty amount that may be issued by the authorised person must be no less than £50 and no more than £200.

(7) In any proceedings a certificate which—

(a) purports to be signed by an authorised person; and

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(8) The authorised person may use amounts received under this regulation for the purpose of its functions under this Part.

Protection of authorised person

17. An authorised person is not liable in any civil or criminal proceedings for anything done in the purported performance of their functions as an authorised person if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Defence of due diligence

18.—(1) Where a person ("the accused") is charged with an offence under these Regulations it is, subject to paragraph (2), a defence for the accused to show that they took all reasonable precautions and exercised all due diligence to prevent the offence being committed.

(2) If the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the accused is not entitled to rely on that defence unless they have—

(a) obtained the leave of the court; and

(b) at least seven clear days before the hearing, served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in the accused's possession.

Name
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulations 3, 4, 5 and 6

PART 1

Single-use plastic products for consumption reduction

1. Cups for beverages, including their covers and lids.

2. Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food which—

(a) is intended for immediate consumption, either on-the-spot or take-away;

(b) is typically consumed from the receptacle; and

(c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,

including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.

PART 2

Prohibited single-use plastic products

1. Cotton bud sticks, except if they fall within the scope of Regulation (EU) 2017/745(**a**) of the European Parliament and of the Council on medical devices, amending Directive 2001/83/EC,

(**a**) OJ No. L 117, 5.5.2017, pp. 1-175.

Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC.

2. Cutlery, i.e. forks, knives, spoons, chopsticks.

3. Plates.

4. Straws, except if they fall within the scope of Regulation (EU) 2017/745 of the European Parliament and of the Council on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC.

5. Beverage stirrers.

6. Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks.

7. Food containers made of expanded polystyrene, i.e. receptacles such as boxes, with or without a cover, used to contain food which—

(a) is intended for immediate consumption, either on-the-spot or take-away;

(b) is typically consumed from the receptacle; and

(c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,

including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.

8. Beverage containers made from expanded polystyrene, including their caps and lids.

9. Cups for beverages made of expanded polystyrene, including their covers and lids.

PART 3

Single-use plastic product requirements

1. Beverage containers with a capacity of up to three litres, i.e. receptacles used to contain liquid, such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not—

(a) glass or metal beverage containers that have caps and lids made from plastic;

(b) beverage containers intended and used for food that is in liquid form for special medical purposes as defined in point (g) of Article 2 of Regulation (EU) No 609/2013(**a**) of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control.

PART 4

Single-use plastic product marking requirements

1. Sanitary towels, tampons and tampon applicators.

2. Wet wipes, i.e. pre-wetted personal care and domestic wipes.

3. Tobacco products with filters and filters marketed for use in combination with tobacco products.

(**a**) OJ No. L 181, 29.6.2013, pp. 35-56.

4. Cups for beverages.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Windsor Framework requires that the European Union legislation listed in its Annex 2 is implemented in Northern Ireland. Articles 2-7, 14 and 17 and Parts A, B, C, D and F of the Annex to Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment ("the Directive") are listed in Annex 2. These Regulations give effect to those provisions of the Directive to reduce the impact of certain plastic products on the environment and apply only in Northern Ireland.

Regulation 2 contains definitions of specific expressions. It also confirms that any expressions which appear both within the Regulations and within the Directive have the same meaning as in the Directive ("oxo-degradable plastic", "packaging", "plastic", "single use plastic product" and "tobacco products" are all defined within Article 3 of the Directive).

Regulation 3 creates an obligation for the Department of Agriculture, Environment and Rural Affairs in Northern Ireland ("DAERA") to adopt measures to reduce the consumption of single-use plastic products listed in Part 1 of the Schedule.

Regulation 4 prohibits the supply of products made from oxo-degradable plastic and any single-use plastic product listed in Part 2 of the Schedule (which excludes cotton bud sticks and straws used with active implantable or other medical devices).

Regulation 5 prohibits the supply of single-use plastic products listed in Part 3 of the Schedule, unless their plastic caps or lids remain attached. Regulation 5 further prohibits the supply of polyethylene terephthalate beverage bottles listed in Part 3 of the Schedule, unless they contain an average minimum of 25% recycled plastic, which increases to 30% in respect of all beverage bottles listed in Part 3 of the Schedule as of 1st January 2030.

Regulation 6 prohibits the supply of single-use plastic products listed in Part 4 of the Schedule, unless the product or its packaging bears a marking in compliance with Commission Implementing Regulation (EU) 2020/2151 laying down rules on harmonised marking specifications on single-use plastic products listed in Part D of the Annex to the Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment.

Part 3 of the Regulations creates criminal offences and penalties for breaches of regulations 4, 5 and 6, as well as powers for those persons authorised by DAERA to enforce the Regulations. These enforcement powers include the discretion to offer compliance notices and fixed penalty notices as alternatives to prosecution.

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary, or public sector is foreseen. Instead, a de minimis assessment has been prepared as this instrument is likely to result in a net cost which is estimated to be below £10 million per year. A copy of the assessment is available on request from DAERA, Clare House, 303 Airport Road West, Belfast, BT3 9ED.