

## Single Use Plastic Carrier Bag Charge in England

February 2016

### Summary

In order to reduce plastic carrier bag usage and environmental damage, new regulations<sup>1</sup> came into force in England on 5 October 2015 introducing a minimum charge of 5p (including VAT) to customers for each single-use plastic carrier bag. The charge, which is enforced by local authorities, is mandatory (unless either the supplier or the items sold fits into one of the exemption categories).

Optical practices are not exempt and must therefore comply with the regulations.

However prescribed optical products – as medical supplies - are exempt from the charge.

Non-prescribed optical goods however are not exempt from the charge (even if they are issued in the same bag as prescribed product).

### Background

These regulations derive from the Climate Change Act 2008 and the Regulatory Sanctions and Enforcement Act 2008 and attempt to reduce the number of plastic bags used, reduce litter and reduce the environmental impact that plastic bags cause. Similar requirements already exist in Northern Ireland, Scotland and Wales. The requirements in Scotland and Wales are covered in separate guidance.

### Requirement to charge

As an optical business (whether NHS, private or mixed) you must charge for plastic carrier bags if you employ more than 250 FTE staff<sup>2</sup> at the start of each reporting year and the product supplied does not fall under the exemptions set out below. (The first reporting year runs from 5 October 2015 to 6 April 2016.)

If your practice is independently owned or operates under a franchise or joint venture agreement, only the number of FTE staff directly employed or engaged in your own business count towards the number of qualifying FTE staff which determines whether or not you need to charge for carrier bags.

### Items exempt from the charge

The product exemptions which apply in optical practices are

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<sup>1</sup> The Single Use Carrier Bags Charges (England) Order 2015

[http://www.legislation.gov.uk/ukdsi/2015/9780111125397/pdfs/ukdsi\\_9780111125397\\_en.pdf](http://www.legislation.gov.uk/ukdsi/2015/9780111125397/pdfs/ukdsi_9780111125397_en.pdf)

<sup>2</sup> Calculation of ftes is laid out on the government website <https://www.gov.uk/guidance/carrier-bag-charges-retailers-responsibilities#when-you-must-charge>

- **any appliance sold or supplied in accordance with a prescription** – i.e. spectacles and powered contact lenses prescribed by an optical practitioner in accordance with sections 25 and 26 of the Opticians Act 1989 (as amended).
- **a medicinal product** prescribed by a doctor or optometrist, such as eye drops, gels or ointments to treat eye diseases or dietary supplements to prevent eye disease.

This means that many, but not all, products supplied by an optical practice are exempt from the carrier bag charge. Examples of product that incur a carrier bag charge include

- Non prescription sunglasses
- Ready readers
- Key chains
- Lens wipes supplied separately from spectacles
- Spectacle cases supplied separately from spectacles
- Spectacle lens cleaner supplied separately from spectacles
- Contact lens cases supplied separately from powered contact lenses
- Contact lens care products

### **When to Charge for a Carrier Bag**

For a bag to be provided free of charge it must be used **solely** for supplying a medicinal product, listed appliance or an appliance supplied in accordance with a prescription. This means that, if any goods that do not fall under these three categories are sold and put in the same bag as a prescription item, appliance or medicinal product, then you must charge for the carrier bag.

### **Reporting Requirements and Records**

The initial reporting year runs from 5 October 2015 – 6 April 2016; from 2016 onwards the reporting year will be 7 April to 6 April.

You must keep a record of how many bags you sell, including how the profits (minus your reasonable costs) are used. The report must include

- the number of chargeable carrier bags supplied
- the gross proceeds of the charge, including VAT
- your reasonable costs<sup>3</sup> and apportionment between different kinds of reasonable costs
- the net proceeds of the charge
- the uses to which the net proceeds have been put.

You must send your record to DEFRA each year by 31 May after the reporting year ends. This should be sent to: [plasticbagcharge@defra.gsi.gov.uk](mailto:plasticbagcharge@defra.gsi.gov.uk).

You must also keep and retain the records for 3 years, beginning 31 May after each reporting period.

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<sup>3</sup> Reasonable costs is defined in the regulations as ‘costs reasonably incurred completing transactions, communicating information, obtaining expert advice or carrying on similar activities to enable to the seller to comply with this Order’.

If requested by a member of the public, an exact copy of the record must be provided within 28 days of receiving the written request (providing the request is made during the 3 years the record has been retained).

### **Proceeds from the Charge and Publication**

Each business can decide how the net proceeds collected from the carrier bag charge should be used, although the Government has said that, in England, it expects retailers to pass on the net proceeds of the charge to good causes. DEFRA will publish where each company's plastic bag charge proceeds are going using the information provided in the mandatory annual reports submitted by each company. This information will remain available on the DEFRA website until 31 July of the following year.

### **Further Information**

For further information see the government website:

<https://www.gov.uk/guidance/carrier-bag-charges-retailers-responsibilities#when-you-must-charge>

or contact your Optical Confederation representative body:

- ABDO members Barry Duncan at [bduncan@abdo.org.uk](mailto:bduncan@abdo.org.uk)
- ACLM members Simon Rodwell at [secgen@aclm.org.uk](mailto:secgen@aclm.org.uk)
- AOP members Geoff Roberson at [GeoffRoberson@aop.org.uk](mailto:GeoffRoberson@aop.org.uk)
- FODO members Rebecca Sinclair at [Rebecca@fodo.com](mailto:Rebecca@fodo.com)

**Optical Confederation**

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