

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Sixth Delegated Legislation Committee

## DRAFT UNITED KINGDOM INTERNAL MARKET ACT 2020 (EXCLUSIONS FROM MARKET ACCESS PRINCIPLES: SINGLE-USE PLASTICS) REGULATIONS 2022

*Thursday 14 July 2022*

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**The Committee consisted of the following Members:**

*Chair:* MRS SHERYLL MURRAY

Ali, Tahir (*Birmingham, Hall Green*) (Lab)  
 † Argar, Edward (*Charnwood*) (Con)  
 † Bonnar, Steven (*Coatbridge, Chryston and Bellshill*) (SNP)  
 † Davies, David T. C. (*Monmouth*) (Con)  
 Eustice, George (*Secretary of State for Environment, Food and Rural Affairs*)  
 † Farris, Laura (*Newbury*) (Con)  
 † Greenwood, Margaret (*Wirral West*) (Lab)  
 † Harris, Carolyn (*Swansea East*) (Lab)  
 † Holden, Mr Richard (*North West Durham*) (Con)  
 † Jenkinson, Mark (*Workington*) (Con)

Jenrick, Robert (*Newark*) (Con)  
 † Jones, Andrew (*Harrogate and Knaresborough*) (Con)  
 † Jones, Ruth (*Newport West*) (Lab)  
 † Kawczynski, Daniel (*Shrewsbury and Atcham*) (Con)  
 Long Bailey, Rebecca (*Salford and Eccles*) (Lab)  
 † Stevenson, John (*Carlisle*) (Con)  
 † Twist, Liz (*Blaydon*) (Lab)  
 Stella-Maria Gabriel, Chloe Smith, *Committee Clerks*  
 † **attended the Committee**

**The following also attended (Standing Order No. 118(2)):**

Double, Steve (*Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs*)

## Sixth Delegated Legislation Committee

Thursday 14 July 2022

[MRS SHERYLL MURRAY *in the Chair*]

### Draft United Kingdom Internal Market Act 2020 (Exclusions from Market Access Principles: Single-use Plastics) Regulations 2022

11.30 am

**The Chair:** As it is so warm, it is quite in order for people to remove their jackets if they so wish.

*Motion made, and Question proposed,*

That the Committee has considered the draft United Kingdom Internal Market Act 2020 (Exclusions from Market Access Principles: Single-use Plastics) Regulations 2022.—(*David T.C. Davies.*)

11.31 am

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Steve Double):**

It is an honour to make my first appearance in Committee as a Minister with you in the Chair, Mrs Murray. The draft instrument was laid before the House on 9 June. It makes an exclusion to the market access principles of the United Kingdom Internal Market Act 2020 for legislation prohibiting the sale of single-use plastic straws, stemmed cotton buds, drink stirrers, plates, cutlery, chopsticks or balloon sticks, and of single-use food containers, drink containers, or cups made wholly or partly from expanded or extruded polystyrene. I will cover both the reasons for and the impact of the instrument, starting with the former.

The instrument is being brought forward following an agreement under the provisional resources and waste common framework. The exclusion is necessary because all four nations share an ambition to tackle plastic pollution. The instrument furthers that ambition while recognising the need to protect the UK internal market against unforeseen future barriers to trade. Legislation banning the sale of single-use plastic items covered by the exclusion has been or will be—or has been consulted on being—introduced in all four nations. However, there is a difference in the timing of those bans, which means that the UKIM Act has an impact on the ability to implement such legislation.

The UKIM Act contains two market access principles: mutual recognition and non-discrimination. The principle of mutual recognition means that goods that can be lawfully sold in the part of the UK in which they were produced, or into which they have been imported, may be sold in any other part of the UK without needing to comply with any relevant requirements applying to the sale in that other part of the UK. The principle of non-discrimination means that the sale of goods in one part of the UK should not be affected by directly or indirectly discriminatory relevant requirements towards goods that have a relevant connection with another part of the UK.

I will now briefly outline the impact of the statutory instrument. The exclusion from the market access principles means that those principles will not apply to legislation so far as it prohibits the sale of the single-use items that

I previously listed. Taking the example of Scotland, the exclusion will mean that single-use plastic plates produced in, or imported into, other parts of the UK cannot be sold in Scotland, regardless of whether an equivalent ban is in place in the other parts of the UK.

The requirement, in section 10(7) of the UKIM Act, for the Secretary of State to

“have regard to the importance of facilitating the access to the market within Great Britain of qualifying Northern Ireland goods”

has been considered. The supply of the items covered by the exclusion is banned in Scotland, and the Welsh and UK Governments have consulted on banning the supply of those items where they are not already banned. The relevant EU directive—article 5 of the EU single-use plastics directive, under annex 2 of the Northern Ireland protocol—once implemented, will have equivalent effect to the proposed and existing legislation in Scotland, England and Wales, with the exception that the legislation in Scotland, England and Wales will not encompass items made from oxo-degradable plastic. As such, it is not thought that an additional or separate provision to maintain access to the market within Great Britain is needed for those single-use plastic items.

A full impact assessment has not been prepared for the instrument because it does not impose any new requirements. The SI will affect the application of the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021 and any forthcoming regulations in England and Wales that ban the supply of items covered by the exclusion. The impact of those regulations has been considered in the case of the Scotland regulations, and will be considered in the case of forthcoming regulations in England and Wales. Ministers from the Welsh and Scottish Governments have consented to the making of the regulations.

In accordance with section 10(11) of the UKIM Act, the Secretary of State will publish a statement explaining why the regulations will be made without consent from the Department for the Economy in Northern Ireland. As the SI is of a cross-cutting nature, it would normally require a referral to the Northern Ireland Executive, as per Northern Ireland’s ministerial code. That has not been possible due to the ongoing absence of a First Minister and Deputy First Minister in Northern Ireland, meaning that the Executive cannot meet. However, my officials have continued to engage at official level with the relevant Northern Ireland Departments in the development of the legislation, and there has been engagement with the Minister for Agriculture, Environment and Rural Affairs and the Minister for the Economy in the devolved Administration, who have not raised any objections to the proposal.

The exclusion introduced by the SI recognises our shared ambition across the UK to tackle plastic pollution, while recognising the need to protect the UK internal market against unforeseen future barriers to trade. I believe this shows that the process of considering United Kingdom Internal Market Act exclusions in common framework areas is working as intended, and I commend the regulations to the Committee.

11.36 am

**Ruth Jones** (Newport West) (Lab): It is a pleasure to serve under your chairmanship, Mrs Murray—I think for the first time—and it is good to see you in the Chair.

I am grateful for the opportunity to speak, and I say to the Minister that I am very glad to see that someone turned up today. When we were notified last week that legislation was being considered by the House, we were concerned that we would be Minister-less, but our fears have thankfully been abated, because the people's business must go on despite the caretaker Government and outgoing Prime Minister.

I welcome the Minister to his new caretaker position in the Department for Environment, Food and Rural Affairs. I gently say that, with the clock ticking, his time in the post may be more about quality than quantity, but that is okay. I want to be helpful—that is how I approach every day—so I urge the Minister to use the days and weeks that he has in his role to be bold, to be strong and to work with Opposition Members to protect our environment and preserve our planet, because we stand ready to serve.

Before I go into the body of the SI, I place on record my genuine thanks to the hon. Members for Bury St Edmunds (Jo Churchill) and for Taunton Deane (Rebecca Pow) after their resignations from the Government last week. We did not always agree, but we developed a respectful working relationship, and we more than once joked that we saw more of each other than we did of our spouses, children and loved ones due to the constant flow of DEFRA-related business before the House. However, I am sure that the next Prime Minister will speedily return them both to Government positions between now and the imminent general election.

Today, we consider the draft United Kingdom Internal Market Act 2020 (Exclusions from Market Access Principles: Single-use Plastics) Regulations 2022. I have spoken to a range of stakeholders in advance of this sitting, and I particularly thank Sarah Williams and the indefatigable Ruth Chambers of the Green Alliance for their continuing campaign work. As we consider the SI, it is important to understand the background. In our exchange, Sarah noted that a major concern of the 2020 Act was that individual Governments would be disincentivised from improving standards. The mutual recognition principle in the United Kingdom Internal Market Act means that goods that have been produced in, or imported into, one part of the UK must be able to be sold to any other part of the UK, regardless of any restrictions that apply in that part. That risks rendering any new environmental requirements for goods ineffective, and creating a chilling effect on their creation in the first place.

In another case of being late to the party, the Government did agree that a specific divergence from the operation of the market access principles could be agreed through the common frameworks process where all parties are in agreement, and so we find ourselves here today for the first time. Labour will not oppose the legislation today, but we will continue to be a critical friend and look at how we can make sure Ministers are as bold and effective as possible. That is the only way we will make progress in the battle to protect our environment and clean up our planet.

As the explanatory note published with the legislation helpfully highlighted, the regulations before us

“amend Schedule 1 to the United Kingdom Internal Market Act 2020...to insert a further exclusion from the market access principles in Part 1 of the 2020 Act, in respect of certain specified single-use plastic items.”

As the Minister said, these items are

“straws, plastic stemmed cotton buds, drink stirrers, plates, cutlery and chopsticks, balloon sticks, and expanded or extruded polystyrene food and drink containers and cups. In consequence of the amendment, the market access principles will not apply to, or affect the operation of, any legislation so far as it prohibits the sale of the specified items in any part of the United Kingdom.”

I acknowledge the work that the Welsh Labour Government have done on tackling plastic waste. Under Welsh Labour, Wales introduced a fully comprehensive charge on single-use bags back in 2010, and it took another five years before the UK Government introduced a half-measure ban applying only to larger retailers. The Welsh Labour Government are also committed to introducing legislation to ban the supply of said articles, and I note the UK Government have consulted on proposals to ban the supply of single-use plastic plates, balloon sticks and expanded or extruded polystyrene food and drink containers, including cups, in England in 2023. Will the Minister update hon. Members on that consultation and say how many people have responded to it?

The Northern Ireland protocol requires the supply of single-use plastic plates, cutlery, balloon sticks, drink stirrers, cotton bud sticks and expanded polystyrene food and drink containers, including cups, to be banned. Will that be affected by the promises made by many candidates for the Tory party leadership? Will it be on the table when they seek to renegotiate the protocol, as could happen? I would hope not, but I have come to realise that anything is possible at the moment, which is why I ask that question today.

Yesterday, Greenpeace launched its report “The Big Plastic Count Results”. Can the Minister confirm that he has read that report? Will he be meeting Greenpeace to discuss it? The need to act on plastics is obvious to us all; we will support Ministers when they act and hold them to account when they fail to get themselves into gear.

I note that the resources and waste common framework is still referred to as “provisional”. Will the Minister give us a progress check on when it will be permanent? Will he outline what engagement he has had with small and medium-sized businesses across the UK to ensure that they have the support they need to implement the changes? What discussions has he had with colleagues across Government to make sure the funding and support for providing reusable items is there and accessible to businesses and customers?

The resources and waste strategy set out a plan for resource sufficiency and a circular economy, which included an ambition for all plastics to be biodegradable. What steps does the Minister plan to take to remove from circulation plastics that are not biodegradable?

As the Member for Newport West, I am naturally very interested in and totally committed to ensuring that the voices of all the nations of our United Kingdom are part of what we do here and how we do it.

**Margaret Greenwood** (Wirral West) (Lab): My hon. Friend is making a really good speech. I have been impressed by the enthusiasm of schoolchildren in my constituency of Wirral West, where they are learning about plastic pollution and the importance of looking after the environment. I pay tribute to all their teachers for giving them such inspirational education. The children

[Margaret Greenwood]

are going home and educating their parents, which is absolutely what needs to happen because it is the children's future more than any of ours. Does my hon. Friend agree that education on plastics pollution is incredibly important for the future of our planet?

**Ruth Jones:** My hon. Friend is absolutely right; it is all about the children educating the parents. Pester-power is so important. Although my own children are older, they definitely pester and ask the question, "What are you doing to save the planet, Mum?", which is why I ask the Minister the same question.

The Minister stated that consent was sought from Scotland and Wales. Will he give us an idea of what those discussions touched on? Did they extend to the wider fight against plastics? I was concerned that consent from the Department for the Economy in Northern Ireland was not provided in the timeline set out. That highlights the impact of the lack of any functioning devolved Government in Northern Ireland. We need an Executive in Stormont, and we need one now. I urge Ministers to redouble their efforts to get all the parties around the table, because the people of Northern Ireland deserve to have their views, thoughts and needs factored into what happens on plastics, waste and recycling.

I note that no full impact assessment has been produced for this instrument because, as the Minister said, in his view no significant impact on the private, voluntary or public sectors is foreseen. However, we cannot take the view that there is no impact without making an assessment. It is a bit of a chicken and egg situation: how can we know the impact if an assessment has not been done first?

In many ways, this legislation is a formality and brings things in order, so we will not be pressing for a vote today. That said, I am pleased to have had the opportunity to raise several issues and to pose questions to the new Minister on the impact of the tidying up, this Government's approach to plastics and plastic usage, and the need to do all we can to protect and preserve our planet.

11.45 am

**Steven Bonnar** (Coatbridge, Chryston and Bellshill) (SNP): Mrs Murray, it is a pleasure to see you in the Chair today for the first time since I was elected. I welcome the Minister to his new role and thank him for laying out the Government's position. As he alluded to, the Scottish Parliament has consented to this SI, at the suggestion of the Scottish Government.

The exclusion relates to certain categories of single-use plastics and will facilitate the effective operation of the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021. That means that a current Scottish law prohibiting single-use plastics will be able to operate and will not be undermined by the UK Internal Market Act, so the SNP Group in Westminster is content for this SI to pass.

However, the situation should never have reached this point. It is utterly wrong that laws passed in Holyrood, especially those designed to protect the environment and fight climate change, should be undermined by laws passed here in Westminster. The shadow Minister asked how the negotiations with the devolved Administrations

went, and I look forward to hearing what the Minister has to say on that, because while the UK Government allowed this specific exemption, they refused to agree to a wider exemption from the UK Internal Market Act for all Scottish environmental laws and bans. The Scottish Government have to come here to Westminster to ask the Government to provide exemptions on a case-by-case basis whenever environmental laws are passed by Scotland's Parliament, meaning that the acts of Scotland's lawmakers may be frustrated at any time, leaving them with no way to implement the will of the Scottish electorate.

The UK Internal Market Act was rejected by the devolved Governments, rejected by the electorate of Scotland and rejected by Scotland's lawmakers and representatives. The need for this SI is a symptom of the Tory party's muscular Unionism, which is intent on forcing Scotland to bow to the will of Westminster, often against its people's wishes.

11.47 am

**Steve Double:** I thank the Opposition spokespeople for their contributions, and the shadow Minister in particular for her kind words. I view this position as an eight-week job interview, and perhaps I will be in post for a little longer. However, no matter how long I am in post, I can assure her that I am determined to continue the excellent work of my predecessor, my hon. Friend the Member for Bury St Edmunds, and to achieve as much as I can.

Quite a few points have been raised, and I will try to cover them all, but if I miss any, Members should feel free to remind me. Generally, the fact that we are passing this legislation today shows that the system is working, and that the UKIM Act is there to protect, rightly, the internal market of the United Kingdom, which is vital to every nation within it and plays an integral role in their economies. It also shows that we can respond to requests, such as that from the Scottish Government, to make exemptions. That shows that the current Act works and that we can be flexible, when deemed appropriate, by passing secondary legislation like this to respond to situations on a case-by-case basis.

I assure Opposition Members that the UK Government are determined to continue to be a world leader on all matters that protect our environment and we will continue to work with the devolved Administrations, where appropriate, to achieve our shared ambitions. Where there are grounds for divergence, which in this case are primarily about matters of timing, we will work together to ensure that we can all achieve our ambitions; and where we can be flexible, we will be.

I agree with the comments about the need for a Northern Ireland Executive and I am sure the shadow Minister will be aware that we are doing all we can to secure that, as it is important that that happens.

I also agree with the comments made about children. I have taken a keen interest in plastic pollution since I was first elected and I have spent a lot of time visiting schools to talk about it. I am always inspired both by the level of understanding that there is now among school pupils and their determination. It gives me great hope for the future that they understand these issues far better than I did at their age. There is often pester-pressure by children to amend their parents' behaviour; we all welcome that and recognise its importance.

I was asked about the candidates for the leadership of the Conservative party. The shadow Minister will understand that I cannot speak for them, but I assure her that I am pressing candidates on these issues, which I would have been doing even if I did not have my ministerial role. It is important that any future Prime Minister continues to lead a Government who are committed to addressing issues such as plastic pollution and ensure that we continue to be a world leader on that.

The shadow Minister asked about the “The Big Plastic Count Results” report. I admit that I have not yet had time to read it, but it is in my in-tray and I will make sure I get to grips with it, perhaps over the summer recess, and respond accordingly. I recognise the importance of the issues it raises and of the many different organisations that play a part in raising awareness of them.

We will, of course, consult businesses about any future changes we make on packaging and single-use plastics, to make sure that the impact is understood, and we will continue to work with businesses to bring forward measures that are workable and deliver the change we want in a way that works for them.

The shadow Minister asked when we would publish the common framework. We are aiming to publish it in due course—of course—and she also asked about the impact of the UKIM Act on environmental protection. That Act was introduced to protect livelihoods, jobs and businesses by ensuring that no new barriers to trade

arose within the UK. The Act does not prevent devolved legislatures from continuing to make rules about the goods and services produced in their parts of the UK. The fact that we are making these regulations today shows our commitment to that. If devolved Governments want to diverge, then we are willing to consider that and we will take action when appropriate.

The shadow Minister asked about the single-use plastics consultation. We had around 50,000 responses and we hope to publish a response to the consultation this summer, although I make no commitment about how long summer will be this year. I believe that covers all the points that were raised.

To conclude, I trust that hon. Members understand and accept the need for this instrument. It makes an exclusion to the UKIM Act for legislation as far as it prohibits the sale of a number of single-use plastic items. The exclusion introduced by this instrument will mean that the single-use plastic items it encompasses that are produced in or imported into other parts of the UK cannot be sold in a country that has banned them, regardless of whether an equivalent ban is in place in the originating part.

Once again, I thank hon. Members for their contributions and commend the regulations to the Committee.

*Question put and agreed to.*

11.55 am

*Committee rose.*

