



*At the Court at Buckingham Palace*

THE 12th DAY OF MARCH 2025

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with the Royal Assent to Legislation and Petitions (Bailiwick of Jersey) Order 2022 the Committee have considered a letter from the Greffier of the States of Jersey transmitting an Act passed on 11th December 2024 entitled the Single-Use Plastics etc. (Restrictions) (Jersey) Amendment Law 2025:

The Committee have considered the Act and have agreed to report that it may be advisable for Your Majesty to approve and ratify it.”

His Majesty, having taken the report into consideration, was pleased, by and with the advice of His Privy Council, to approve and ratify the Act (a copy of which is annexed to this Order) and to order that it, together with this Order, shall be entered on the Register of the Island of Jersey and observed accordingly. His Majesty's Officers in the Island, and all others whom it may concern, are therefore to take notice of His Majesty's Order and to proceed accordingly.

*Richard Tilbrook, CVO*



Jersey

## SINGLE-USE PLASTICS ETC. (RESTRICTIONS) (JERSEY) AMENDMENT LAW 202-

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Jersey

## SINGLE-USE PLASTICS ETC. (RESTRICTIONS) (JERSEY) AMENDMENT LAW 202-

A LAW to amend the [Single-Use Plastics etc. \(Restrictions\) \(Jersey\) Law 2021](#) to prohibit importing and supplying single-use vapes by traders and individuals, to add categories of prohibited carrier bags, and for connected purposes.

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<i>Adopted by the States</i>	<i>11 December 2024</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

**THE STATES**, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

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### 1 [Single-Use Plastics etc. \(Restrictions\) \(Jersey\) Law 2021](#) amended

This Law amends the [Single-Use Plastics etc. \(Restrictions\) \(Jersey\) Law 2021](#).

### 2 Long title amended

In the long title, for “single-use plastic items” there is substituted “single-use or non-recyclable items”.

### 3 Article 1 (interpretation) amended

In Article 1(1) –

- (a) the definition “commercial activity” is deleted;
- (b) for the definition “prohibited item” there is substituted –  
“prohibited item” has the meaning given in Article 2(1);
- (c) after the definition “prohibited item” there is inserted –  
“restricted item” has the meaning given in Article 3(1);  
“single-use vape” means a vape that is not designed or not intended for 1 or more of the following –
  - (a) to be reused;

- (b) to be refilled with the substance that is intended to be vaporised or aerosolised, whether by refilling or replacing a container in the vape;
  - (c) to have its battery recharged; or
  - (d) to have a coil that can be replaced by an individual in the normal course of use;
- (d) for the definition “supply” there is substituted –
- “supply” –
- (a) means –
    - (i) selling, hiring out or lending an item,
    - (ii) entering into a hire purchase agreement to provide an item,
    - (iii) providing an item in exchange for anything of value other than money,
    - (iv) providing an item in, or in connection with, the performance of a statutory function, or
    - (v) giving an item as a prize or gift;
  - (b) includes any offer, agreement, exposure or possession of an item for the purposes of supply; and
  - (c) excludes anything that is –
    - (i) done only for the purpose of waste management, and
    - (ii) approved by the Minister;
- (e) in the definition “trader”, after “commercial activity,” there is inserted “including for charitable purposes”;
- (f) after the definition “trader” there is inserted –
- “vape” –
- (a) means a device that vaporises or aerosolises substances for inhalation through a mouthpiece; but
  - (b) excludes a device that is a medical device, as defined in Regulation 1 of the [Protection of Children \(Nicotine Inhaling Products\) \(Jersey\) Regulations 2016](#), unless the device is intended to enable inhalation of nicotine;
- “writing” includes writing in an electronic form.

#### **4 Article 2 (prohibition on supply of single-use items) amended**

- (1) This Article amends Article 2.
- (2) For the heading there is substituted –

#### **2 Trader must not supply certain single-use or non-recyclable items**

- (3) For paragraph (1) there is substituted –
  - (1) A trader must not supply an item of a type and description specified in paragraph 1 of the Schedule (a “prohibited item”), regardless of whether –
    - (a) the supply takes place in person or electronically; or
    - (b) a charge is made in relation to the supply.

- (4) Paragraphs (2) and (3) are deleted.
- (5) For paragraphs (4) to (6) there is substituted –
- (4) If the Minister, the Chief Inspector or an authorised officer reasonably suspects that a trader is acting in breach of paragraph (1), the Chief Inspector or authorised officer may give a notice to the trader requiring them to stop supplying items of the type and description specified in the notice.
- (5) Before giving the notice, the Chief Inspector or authorised officer must, if practicable, give the trader a reasonable opportunity to express their views or to voluntarily comply with the requirement in the notice.
- (6) The notice must –
- (a) contain or be accompanied by the following information –
- (i) the requirement in paragraph (4),
- (ii) details of the alleged breach,
- (iii) the type of item supplied and, if necessary, a description of the item sufficient to identify it,
- (iv) a statement that an appeal may be made against the notice under Article 9, and
- (v) any other information that the Minister considers necessary;
- (b) be given in writing; and
- (c) be delivered to the trader’s registered or administrative office or, if the address of that office cannot be determined, to a person who controls or manages the place where the item was supplied.
- (6) After paragraph (7) there is inserted –
- (8) See Article 15A(a) for the power to make an Order to suspend or disapply this Article in relation to specified types of prohibited items or in specified circumstances.

## 5 Article 2A (individual must not supply single-use vapes) inserted

After Article 2 there is inserted –

### 2A Individual must not supply single-use vapes

- (1) An individual must not supply a single-use vape, regardless of whether –
- (a) the supply takes place in person or electronically; or
- (b) a charge is made in relation to the supply.
- (2) If the Minister, the Chief Inspector or an authorised officer reasonably suspects that an individual is acting in breach of paragraph (1), the Chief Inspector or authorised officer may give a notice to the individual requiring them to stop supplying items specified in the notice.
- (3) Before giving the notice, the Chief Inspector or authorised officer must, if practicable, give the individual a reasonable opportunity to express their views or to voluntarily comply with the requirement in the notice.
- (4) The notice must –
- (a) contain or be accompanied by the following information –

- (i) the requirement in paragraph (2),
  - (ii) details of the alleged breach,
  - (iii) the type of item supplied and, if necessary, a description of the item sufficient to identify it,
  - (iv) a statement that an appeal may be made against the notice under Article 9, and
  - (v) any other information that the Minister considers necessary;
- (b) be given in writing; and
  - (c) be delivered to the individual's usual or last known address.
- (5) An individual who intentionally and without reasonable excuse fails to comply with a notice given under paragraph (2) commits an offence and is liable to a fine of level 2 on the standard scale.

## 6 Article 3 (price of certain restricted items) amended

For Article 3(1) to (4) there is substituted –

- (1) A trader must not supply an item of a type and description specified in the table in paragraph 2 of the Schedule (a “restricted item”), except for a price at or above that specified in the table.
- (2) If the Minister, the Chief Inspector or an authorised officer reasonably suspects that a trader is acting in breach of paragraph (1), the Chief Inspector or authorised officer may give a notice to the trader requiring them to stop supplying items of the type and description specified in the notice at a price below that specified in paragraph 2 of the Schedule.
- (3) Before giving the notice, the Chief Inspector or authorised officer must, if practicable, give the trader a reasonable opportunity to express their views or to voluntarily comply with the requirement in the notice.
- (4) The notice must –
  - (a) contain or be accompanied by the following information –
    - (i) the requirement in paragraph (2),
    - (ii) details of the alleged breach,
    - (iii) the type of item supplied and, if necessary, a description of the item sufficient to identify it,
    - (iv) a statement that an appeal may be made against the notice under Article 9, and
    - (v) any other information that the Minister considers necessary;
  - (b) be given in writing; and
  - (c) be delivered to the trader's registered or administrative office or, if the address of that office cannot be determined, to a person who controls or manages the place where the item was supplied.

## 7 Article 4 (importation of single-use items prohibited) amended

- (1) This Article amends Article 4.
- (2) For the heading there is substituted –

#### **4 Trader must not import certain single-use or non-recyclable items**

- (3) In paragraph (1), for “an item prohibited under Article 2” there is substituted “a prohibited item”.
- (4) For paragraphs (2) to (4) there is substituted –
  - (2) If the Agent of the Impôts, the Chief Inspector or an authorised officer reasonably suspects that a trader is acting in breach of paragraph (1), the Agent, Chief Inspector or authorised officer may give a notice to the trader requiring them to stop importing items of the type and description specified in the notice.
  - (3) Before giving the notice, the Agent, Chief Inspector or authorised officer must, if practicable, give the trader a reasonable opportunity to express their views or to voluntarily comply with the requirement in the notice.
  - (4) The notice must –
    - (a) contain or be accompanied by the following information –
      - (i) the requirement in paragraph (2),
      - (ii) details of the alleged breach,
      - (iii) the type of item imported, and if necessary a description of the item sufficient to identify it,
      - (iv) a statement that an appeal may be made against the notice under Article 9, and
      - (v) any other information that the Minister considers necessary;
    - (b) be given in writing; and
    - (c) be delivered to the trader’s registered or administrative office or, if the address of that office cannot be determined, to a person who controls or manages the place to which the item was imported.
- (5) After paragraph (5) there is inserted –
  - (6) See Article 15A(a) for the power to make an Order to suspend or disapply this Article in relation to specified types of prohibited items or in specified circumstances.
  - (7) Also see Articles 19, 32, 33 and Part 8 (powers of arrest, search, seizure and liability to forfeiture) of the [Customs and Excise \(Jersey\) Law 1999](#).

#### **8 Article 4A (individual must not import single-use vapes) inserted**

After Article 4 there is inserted –

##### **4A Individual must not import single-use vapes**

- (1) An individual must not import a single-use vape.
- (2) If the Agent of the Impôts, the Chief Inspector or an authorised officer reasonably suspects that an individual is acting in breach of paragraph (1), the Agent, Chief Inspector or authorised officer may give a notice to the individual requiring them to stop importing items specified in the notice.
- (3) Before giving the notice, the Agent, Chief Inspector or authorised officer must, if practicable, give the individual a reasonable opportunity to express their views or to voluntarily comply with the requirement in the notice.

- (4) The notice must –
  - (a) contain or be accompanied by the following information –
    - (i) the requirement in paragraph (2),
    - (ii) details of the alleged breach,
    - (iii) the type of item imported, and if necessary a description of the item sufficient to identify it,
    - (iv) a statement that an appeal may be made against the notice under Article 9, and
    - (v) any other information that the Minister considers necessary;
  - (b) be given in writing; and
  - (c) be delivered to the individual's usual or last known address.
- (5) An individual who intentionally and without reasonable excuse fails to comply with a notice given under paragraph (2) commits an offence and is liable to a fine of level 2 on the standard scale.
- (6) Also see Articles 19, 32, 33 and Part 8 (powers of arrest, search, seizure and liability to forfeiture) of the [Customs and Excise \(Jersey\) Law 1999](#).

## 9 Article 5 (powers of authorised officers) amended

- (1) This Article amends Article 5.
- (2) For paragraph (1) there is substituted –
  - (1) An authorised officer may, for the purpose of determining a trader's or individual's compliance with this Law –
    - (a) enter into an agreement to be supplied with an item; or
    - (b) purchase an item.
- (3) Paragraph (2) is deleted.
- (4) In paragraph (3), for “ascertaining whether or not an offence under this Law is being or has been committed” there is substituted “determining a trader's or individual's compliance with this Law”.

## 10 Article 7 (defence of due diligence) substituted

For Article 7 there is substituted –

### 7 Defence of due diligence

- (1) In a prosecution against a person for an offence under Article 2, 2A, 3, 4 or 4A, the person may prove that they have a defence.
- (2) The defence is –
  - (a) that the person's conduct was because of –
    - (i) a mistake,
    - (ii) an accident,
    - (iii) their reliance on information from an unrelated person,
    - (iv) the conduct of an unrelated person, or



- (v) another cause beyond their control; and
  - (b) that the person took all reasonable precautions, and exercised all due diligence, to avoid their conduct, including in respect of a related person.
- (3) The person must comply with paragraph (4) before they may rely on the defence about –
- (a) reliance on information from an unrelated person; or
  - (b) the conduct of an unrelated person.
- (4) The person must –
- (a) at least 7 clear days before the start of the day of the hearing, give notice in writing to the Attorney General with all the information they have that helps identify the unrelated person; or
  - (b) have leave of the Royal Court.
- (5) In this Article, “related person” means another person who is under a person’s direction or control.

## 11 Article 8 (forfeiture) amended

- (1) This Article amends Article 8.
- (2) For paragraph (1), there is substituted –
- (1) The Minister may apply to the Royal Court (the “Court”) for an order for the forfeiture of any items on the grounds that an offence has been committed under this Law in respect of those items.
- (3) In paragraph (4) –
- (a) for “there has been a contravention of a prohibition or restriction” there is substituted “an offence has been committed”;
  - (b) for “any such provision has been contravened” there is substituted “an offence has been committed”.
- (4) For paragraph (5) there is substituted –
- (5) If it is satisfied that an offence has been committed under this Law, the Court may order the items in question to be forfeited.
- (5) After paragraph (6), there is inserted –
- (7) Also see Articles 19, 32, 33 and Part 8 (powers of arrest, search, seizure and liability to forfeiture) of the [Customs and Excise \(Jersey\) Law 1999](#).

## 12 Article 9 (appeals) amended

In Article 9(1), for “Article 2, 3 or 4” there is substituted “Article 2, 2A, 3, 4 or 4A”.

## 13 Article 14 (guidance) amended

In Article 14(1), “, and in particular as to the type or technical specification of carrier bags or other items to which this Law does not apply” is deleted.

**14 Article 15 (Regulations and Orders) substituted**

For Article 15 there is substituted –

**15 Regulations**

- (1) The States may, by Regulations, amend the Schedule, including to add or remove categories of single-use or non-recyclable items to which this Law applies.
- (2) Regulations under paragraph (1) (“amendment Regulations”) may make amendments to other enactments (other than the [Human Rights \(Jersey\) Law 2000](#)) that are a consequence of those amendment Regulations coming into force.

**15 Article 15A (Orders) and Article 15B (transitional provision) inserted**

After Article 15, there is inserted –

**15A Orders**

The Minister may by Order –

- (a) suspend or disapply Article 2 (trader must not supply certain single-use or non-recyclable items) or 4 (trader must not import certain single-use or non-recyclable items) in relation to –
  - (i) specified types and descriptions of prohibited items, excluding single-use vapes,
  - (ii) the supply of prohibited items, excluding single-use vapes, in specified circumstances or for specified purposes;
- (b) amend the price specified for a restricted item in the table in paragraph 2 of the Schedule.

**15B Transitional provision**

- (1) This Article provides for the transition that occurs when the Single-Use Plastics etc. (Restrictions) (Jersey) Amendment Law 202- comes into force.
- (2) Despite Articles 2 and 2A, a person may supply a single-use vape that was in Jersey immediately before the commencement of this Article.
- (3) The States may by Regulations amend this Article, except this paragraph.
- (4) This Article is deleted 6 months after it comes into force.

**16 Schedule (restricted items) amended**

- (1) For the Schedule heading there is substituted –

**PROHIBITED AND RESTRICTED ITEMS**

- (2) In the Schedule, in paragraph 1 (prohibited items), for the table there is substituted –

Type	Description	Use
Lightweight plastic carrier bag	With or without handle, made of plastic with a wall thickness of 15 microns or more, but less than 50 microns	Single-use
Very lightweight plastic carrier bag	With or without handle, made of plastic with a wall thickness of less than 15 microns and not meeting the “OK compost HOME” (or equivalent) certification	Single-use
Non-recyclable plastic carrier bag	With or without handle, made of non-recyclable plastic, with a wall thickness of 50 microns or more	Reusable
Paper carrier bag	With or without handle, made of paper with a weight of 50 gsm or more, but less than 170 gsm	Single-use
Non-recyclable paper carrier bag	With or without handle, made of non-recyclable paper with a weight of 170 gsm or more	Reusable
Single-use vape	All	Single-use

(3) For the table in paragraph 2 (restricted items) of the Schedule, there is substituted –

Type	Description	Use	Price (inclusive of GST, if applicable)
Recyclable plastic carrier bag	With or without handle, made of recyclable plastic, with a wall thickness of 50 microns or more	Reusable	£0.70
Recyclable paper carrier bag	With or without handle, made of recyclable paper with a weight of 170 gsm or more	Reusable	£0.70

## 17 Citation and commencement

This Law may be cited as the Single-Use Plastics etc. (Restrictions) (Jersey) Amendment Law 202- and comes into force on a day to be specified by the Minister for Infrastructure by Order.