

Appendix 1

Delegation of Powers to Officers under The Single Use Carrier Bags Charge (Wales) Regulations 2010

Administrator

A local authority is to administer the provisions made by these Regulations and accordingly, is the administrator for its area. The reference to a local authority is a reference to a county or county borough council.

For the definition of administrator see paragraph 6(1) and (4) of Schedule 6 of the Climate Change Act 2008. Under Schedule 6 paragraph 6(4), references to an administrator include a person appointed by an administrator.

Powers of Administrator

Powers of Administrator under The Climate Change Act 2008 and associated regulations can be delegated to the Director of Environment including the power to appoint other officers as Administrators with such powers as may be considered appropriate having consulted with the relevant Head of Service or Service Manager.

Enforcement Powers (extract from the Single Use Carrier Bags Charge (Wales) Regulations 2010)

PART 6

Enforcement and Non-compliance

Enforcement powers

14.—(1) An administrator has the powers of enforcement in this regulation.

(2) The powers are—

(a) to make test purchases of goods for the purposes of ascertaining whether these Regulations are being complied with;

(b) to inspect any goods and to enter any premises at any reasonable time (other than domestic premises) for the purposes of ascertaining whether these Regulations are being complied with;

(c) if an administrator reasonably believes that there has been a failure to comply with a requirement of these Regulations—

(i) to question a seller or officers or employees of a seller;

(ii) to require the production of documents or the provision of information.

(3) In this regulation "domestic premises" means premises used wholly or mainly as a private dwelling.

(4) An administrator seeking to exercise a power under paragraph (2)(b) or (c) must produce evidence of identity and authority if requested by a person who is, or appears to be—

(a) the seller, or an officer or employee of the seller;

(b) an owner or occupier of any premises in which the administrator seeks to exercise the power concerned.

(5) Nothing in paragraph (2) compels the production of any document of which—

(a) in England and Wales or Northern Ireland, that person would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the County Court or High Court; or

(b) in Scotland, that person would on grounds of confidentiality of communications be entitled to withhold production on an order for the production of documents in an action in the Court of Session.