

2018 No.

ENVIRONMENTAL PROTECTION

**The Environmental Protection (Microbeads) Regulations (Northern
Ireland) 2018**

Made - - - - *****

Coming into operation - *2018*

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by Article 32(1), (2)(b) and (c) and (6) of the Waste and Contaminated Land (Northern Ireland) Order 1997(a), makes the following Regulations.

In accordance with Article 32(3) of that Order, the Department has published a notice indicating the effect of these Regulations and has taken into consideration the representations made to it in accordance with the notice.

Citation and commencement

1. These Regulations may be cited as the Environmental Protection (Microbeads) Regulations (Northern Ireland) 2018 and shall come into operation on 2018.

Interpretation

2. In these Regulations—

“authorised person” means a person authorised under regulation 4(1);

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“microbead” means any water-insoluble solid plastic particle of less than or equal to 5mm in any dimension;

“plastic” means a synthetic polymeric substance that can be moulded, extruded or physically manipulated into various solid forms and that retains its final manufactured shape during use in its intended applications;

“rinse-off personal care product” means any substance, or mixture of substances, manufactured for the purpose of being applied to any relevant human body part in the course of any personal care treatment, by an application which entails at its completion the prompt and specific removal of the product (or any residue of the product) by washing or rinsing with water, rather than leaving it to wear off or wash off, or be absorbed or shed, in the course of time;

and for this purpose—

(a) a “personal care treatment” means any process of cleaning, protecting or perfuming a relevant human body part, maintaining or restoring its condition or changing its appearance; and

(b) a “relevant human body part” is—

(i) any external part of the human body (including any part of the epidermis, hair system, nails or lips);

(ii) the teeth; or

(iii) mucous membranes of the oral cavity; and

“supply”, in relation to a rinse-off personal care product, means supply by way of sale or its presentation as a promotional prize or gift in the course of a business.

Offences and penalties

3.—(1) A person who, in the manufacture of any rinse-off personal care product, uses microbeads as an ingredient of that product is guilty of an offence.

(2) A person who supplies, offers to supply any rinse-off personal care product containing microbeads is guilty of an offence.

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

(a) on summary conviction, to a fine not exceeding level 5 on the standard scale; or

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

(4) A person who fails, without reasonable excuse, to comply with a requirement to provide information imposed under regulation 4(2) is guilty of an offence and 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.

Enforcement

4.—(1) The Department shall, for the purpose of Article 72(1) of the Waste and Contaminated Land (Northern Ireland) Order 1997, determine whether an offence under regulation 3(1) or (2) has been committed and may authorise in writing a person to exercise any of the powers in Article 72(2) for that purpose.

(2) An authorised person [or any district council] may, for the purposes of these Regulations, by notice in writing served on any person require that person to furnish such information specified in the notice as the authorised person [or, as the case may be, the council] reasonably considers is needed, in such form and within such period following service of the notice, or at such time, as is so specified.

Sealed with the Official Seal of the Department for Agriculture, Environment and Rural Affairs on



A senior officer of the Department of
Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prohibit the use of microbeads as an ingredient in the manufacture of rinse-off personal care products and the sale of any such products containing microbeads.

Regulation 3 creates an offence for a breach of the prohibition on the manufacture and sale of such products or to provide information when required.

Regulation 4 gives persons authorised under these Regulations the power to obtain information.