



Law Society
of Scotland

Consultation response

Introducing market restrictions on single-use plastic items in Scotland

December 2020



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law Sub-committee welcomes the opportunity to respond to the Scottish Government's consultation on *Introducing market restrictions on single-use plastic items in Scotland*¹. We have the following comments to put forward for consideration.

General comments

We have previously responded to consultations in relation to developing Scotland's circular economy² and Reforming the UK packaging producer responsibility system³.

The policies addressed in this consultation contribute to, and interact with, the circular economy. We have previously highlighted the importance of considering environmental laws and policies together, recognising the interaction between matters such as the circular economy proposals, deposit and return scheme, the UK-wide extended producer responsibility (EPR) regime, and plastic packaging tax. We also note the potential interaction with the provisions of the United Kingdom Internal Market Act 2020. We recognise the importance of the single use plastic (SUP) proposals, however, it is crucial that these proposals dovetail with other aspects of the developing environmental programme.

While the proposed market restrictions in respect of SUP may be considered transitional measures to deal with immediate issues of littering and plastic use, it is important that a focus remains on the overall concept of developing a strong circular economy.

¹ <https://consult.gov.scot/zero-waste-delivery/introducing-market-restrictions-on-single-use-plas/>

² <https://www.lawscot.org.uk/media/368103/19-12-19-env-consultation-circular-economy-proposals.pdf>

³ <https://www.lawscot.org.uk/media/362648/190513-19-05-13-env-consultation-packaging-waste.pdf>

Consultation questions

Questions 1 - 3

No comment.

Question 4: How can we make sure disabled people have access to plastic straws if they require them for medical reasons or to support independent living, whilst at the same time restricting wider access for environmental purposes in a way that fulfils the SUP Directive requirements?

We have no suggestions in this regard but support the proposed exemptions from the market restrictions for medical reasons and to support independent living.

Questions 5 - 6

No comment.

Question 7: Do you believe the COVID-19 pandemic has resulted in changes to the market or wider economy that are not fully accounted for through this consultation?

We note the apparent increased use of disposal and single use plastic items as a result of COVID-19, for example, disposable PPE. We also note that a number of businesses are not currently accepting use of reusable beverage cups and there may have been an increase in single use food packaging to accommodate take-away food. These changes ought to be considered in transitional and coming into force arrangements for these measures.

Question 8: Do you have any other comments that you would like to make, relevant to the subject of this consultation, that you have not covered in your answers to other questions?

We welcome the proposed strategy around awareness raising among consumers. Having greater access to and consistency in measures to reduce, recycle and reuse products will help to make it easier for consumers to behave in an environmental responsible way.



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