



Law Society  
of Scotland

# Consultation Response

Consultation on the proposed ban of the  
manufacture, supply, and sale of wet wipes  
containing plastic

24 November 2023



## Introduction

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The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful, and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Environmental Law Sub-committee welcomes the opportunity to consider and respond to the Defra *Consultation on the proposed ban of the manufacture supply and sale of wet wipes containing plastic* (the “**Consultation**”).<sup>1</sup> The sub-committee has the following comments to put forward for consideration.

### Questions on the proposal

**To what extent do you agree with the following statement, “I/my organisation would support the proposal set out above to introduce a ban on the manufacture of wet wipes that contain plastic”?**

Neither agree nor disagree

**To what extent do you agree with the following statement, “I/my organisation would support the proposal set out above to introduce a ban on the supply or sale of wet wipes that contain plastic, including giving away for free”?**

Neither agree nor disagree

*Please explain your answers, referring to specific evidence as much as possible.*

Whilst we do not have substantive views on the banning of such items, we would generally note that it is important measures are informed and supported by a robust evidence base, policy analysis, and be a proportionate response to the intended aims.

We note the policy intentions behind the proposals, including those at paragraph 1 of the Consultation Document, including “Our goal is to maximise resource efficiency and minimise plastic waste, by following the principles of the waste hierarchy: Reduce, Reuse, Recycle. This includes moving away from a take, make, waste model and towards a circular economy for plastic.”

We responded in September 2023 to the Scottish Parliament’s Net Zero, Energy and Transport Committee’s call for views on the Circular Economy (Scotland) Bill, accessible here: [23-09-01-env-circular-economy-scotland-bill-call-for-views.pdf](#).

<sup>1</sup> [Consultation on the proposed ban of the manufacture supply and sale of wet wipes containing plastic](#)

The proposals addressed in the Consultation Document contribute to, and interact with, the concept of a circular economy. Whilst the proposals consider the individual policy relating to the supply and sale of wet wipes containing plastic, it is important that this is seen within the context of wider, structural reforms which we have commented on in Scotland (including the development of the circular economy in Scotland). We therefore consider it important that these proposals dovetail with other aspects of reform in this space and the wider legal framework.

We welcome the current progress being made on a collaborative basis across the United Kingdom. We would, however, note the potential interaction of proposals with the provisions of the United Kingdom Internal Market Act 2020 – particularly if there are divergent legislative approaches across the United Kingdom.

### Consumer impacts

**Do you think that the proposed ban will have a negative impact on any specific groups of consumers?**

I don't know

*Please explain your answer to the previous question, referring to specific evidence where possible and whether you are part of the group impacted. Where possible, please indicate if this answer is specifically related to manufacture, supply, or sale.*

We have no comments to make.

### Definitions

**Do you think the definition of wet wipes used within this consultation is suitable?**

I don't know

**Do you think the definitions of plastic used within this consultation are suitable?**

I don't know

**Wet wipes marketed as 'natural', 'biodegradable' or 'plastic free' may be made from polymers which have undergone chemical extraction, processing and refinement processes. Do you think wet wipes marketed in this way should be considered 'plastic free' and excluded from the proposed ban? For each material, please explain why:**

	Yes	No	Don't know
Viscose (usually derived from wood)			X
Lyocell (a semi synthetic cellulose fibre)			X
Cotton (reconstituted cotton fibres)			X

Other - please expand below			X
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*Please expand on your answers and state any other materials that you think should be considered 'plastic free'*

We have no comments to make in relation to the above questions.

In terms of definitions used in the Consultation Document, we note that the term “supply” has not been defined, and consider that there would be merit in this being clearly defined under the proposals. We would also suggest that it is important that consistent language is used to help understanding and compliance with any ban. The consultation document mentions some retailers no longer selling ‘plastic based’ wipes. The consultation refers to ‘plastic free’ wipes – terminology should be used consistently.

## **Exemptions**

**To what extent do you agree with the following statement, “I/my organisation supports an exemption for plastic-containing wet wipes that are used in hospitals and have certain clinical and/or medical uses”?**

Neither agree nor disagree

**To what extent do you agree with the following statement “I/my organisation supports an exemption for plastic-containing wet wipes in certain industrial and professional uses (business to business sales only)”?**

Neither agree nor disagree

*Please explain your answers, referring to specific evidence as much as possible.*

We do not have any substantive comments about the specific proposed exemptions. We consider it is important that any exemptions are evidence-based, proportionate, and do not undermine the overall policy intention of the proposals (e.g. by being overly broad in scope).

We recognise the potential challenges which can arise when setting the target of any exemption provisions – such as whether these will be by reference to the product, the use (or place of use) of the product, or by reference to the purchaser / user of the product. Formulating exemptions by reference to any of these will require an appropriate balance to ensure that they operate as intended. For example, if exemptions are based on the purchaser or user of such items, challenges may arise in legislating for this in a way that is not overly-restrictive or bureaucratic, such as requiring users to have documentation evidencing their entitlement to use the products.

It is important that businesses or individuals able to rely on any exemptions can be clearly identified. We therefore highlight the need to settle on a clear basis for exemptions and to be responsive to the experience of affected stakeholder groups, both in deciding on the initial provisions and an ability to react promptly

should unforeseen difficulties arise. It may be helpful to consider making exemptions time-limited to allow for periodic review taking in to account further research and innovation.

We consider that if such changes to the policy and legislative framework on this matter are introduced, this would merit an awareness-raising campaign so as to make individuals and businesses aware of the position and support compliance with any exemptions.

**For further information, please contact:**

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