

# **The Single Use Carrier Bags Charge (Scotland) Amendment Regulations 2021**

## **Full Equality Impact Assessment**

**January 2021**



**Scottish Government**  
Riaghaltas na h-Alba  
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# Full Equality Impact Assessment

## Consultation on an amendment to the Single Use Carrier Bags Charge (Scotland) Regulations 2014

### Description of policy

| <b>Title of policy/ strategy/ legislation</b> | Single Use Carrier Bags Charge (Scotland) Regulations 2014  |             |             |           |                       |                 |                       |            |  |             |  |
|---|---|-------------|-------------|-----------|-----------------------|-----------------|-----------------------|------------|--|-------------|--|
| <b>Minister</b>                               | Roseanna Cunningham, MSP, Cabinet Secretary for Environment, Climate Change and Land Reform   |             |             |           |                       |                 |                       |            |  |             |  |
| <b>Lead official</b>                          | Donald McGillivray, Deputy Director, Environmental Quality and Circular Economy   |             |             |           |                       |                 |                       |            |  |             |  |
| <b>SG officials involved in EQIA</b>          | <table><thead><tr><th><b>Name</b></th><th><b>Team</b></th></tr></thead><tbody><tr><td>Mark Cook</td><td>Circular Economy Team</td></tr><tr><td>Catriona Graham</td><td>Circular Economy Team</td></tr><tr><td>Gita Anand</td><td>Rural and Environmental Science and Analytical Services (RESAS) Team</td></tr><tr><td>Rhys Howell</td><td></td></tr></tbody></table> | <b>Name</b> | <b>Team</b> | Mark Cook | Circular Economy Team | Catriona Graham | Circular Economy Team | Gita Anand | Rural and Environmental Science and Analytical Services (RESAS) Team | Rhys Howell |  |
| <b>Name</b>                                   | <b>Team</b>   |             |             |           |                       |                 |                       |            |  |             |  |
| Mark Cook                                     | Circular Economy Team   |             |             |           |                       |                 |                       |            |  |             |  |
| Catriona Graham                               | Circular Economy Team   |             |             |           |                       |                 |                       |            |  |             |  |
| Gita Anand                                    | Rural and Environmental Science and Analytical Services (RESAS) Team  |             |             |           |                       |                 |                       |            |  |             |  |
| Rhys Howell                                   |   |             |             |           |                       |                 |                       |            |  |             |  |
| <b>Directorate</b>                            | Environment and Forestry Directorate  |             |             |           |                       |                 |                       |            |  |             |  |
| <b>New policy and/or legislation</b>          | Amendments to the Single Use Carrier Bag (Scotland) Regulations 2014 to increase the minimum charge on single-use carrier bags from 5p to 10p   |             |             |           |                       |                 |                       |            |  |             |  |

## Full EQIA: Introduction

### 1.1 Overview

The Scottish Government proposes to raise the minimum charge for a single-use carrier bag (SUCB) from 5p to 10p. The proposal is considered a minor amendment to an existing piece of legislation (which was passed prior to the requirement to undertake an EQIA). As such, it has been decided that a partial EQIA is not necessary and to proceed to a full EQIA.

The EQIA focuses in on some key potential impacts of the single SUCB charge increase on people with protected characteristics and considers what mitigations could be put in place to reduce the risk of disadvantage that may unintentionally be caused.

Equality legislation covers the protected characteristics of age, disability, gender reassignment, gender including pregnancy and maternity, race, religion and belief, and sexual orientation. It is important to note that the protected characteristics covered through an EQIA are often not independent of each other and some people may have to deal with complex and interconnected issues related to experiencing disadvantage at any one time.

### 1.2 Policy aim, context and objectives

#### **Policy aim**

The aim of the policy is to amend the SUCB (Scotland) Regulations 2014 to increase the minimum SUCB charge from 5p to 10p. The 2014 regulations require all retailers (food and non-food) to charge a minimum of 5p for each new SUCB.<sup>1</sup> The charge is levied at the point of sale and applies to SUCBs made from paper, plastic, and less durable plant-based materials. The aim was to encourage behaviour change in terms of bag re-use and to reduce the visible and environmental impact of litter.

In the first year of its introduction, the 5p charge resulted in an 80% reduction in SUCB consumption across seven major retailers in Scotland, from an estimated 800 million to 150 million, meaning that 650 million fewer SUCBs were used.<sup>2</sup> Similar impacts were achieved in England and Wales following the introduction of their respective SUCB regulations. In England, which regulated in 2015 to require a minimum charge of 5p on plastic SUCBs only, an 85% reduction in plastic SUCB consumption was achieved across the seven major retailers between 2014 and 2018-19, from 7.6 billion to 0.55 billion.<sup>3</sup> In Wales, a 2019 review showed that, between 2011 and 2018, a 5p charge led to a reduction in plastic SUCB consumption of 73%.<sup>4</sup>

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<sup>1</sup> [SUCB \(Scotland\) Regulations 2014](#)

<sup>2</sup> [Carrier Bag Charge 'One Year On'](#)

<sup>3</sup> [Single-use plastic carrier bags charge: data in England for 2017 to 2018'](#)

<sup>4</sup> [The Sale and Use of Carrier Bags in Wales](#)

The majority of respondents (80%)<sup>5</sup> to the Circular Economy (CE) Bill consultation undertaken in 2019 agreed with the proposal to increase the minimum SUCB charge from 5p to 10p, suggesting strong public support for the charge increase. Respondents to the CE Bill consultation suggested that, in terms of equalities impact, people with disabilities would likely be most affected by environmental charging.

## **Policy context and rationale**

The revised SUCB (Scotland) Regulations 2014 forms part of the Scottish Government's wider ambition to develop a more circular economy, which aims to reduce the carbon footprint of the products and materials that we consume in Scotland and maximise resources to benefit the economy and the environment. The increase in the SUCB charge would ensure that the effect of the 5p charge does not weaken over time as a result of inflation, and is expected to further reduce SUCB use. It would also ensure alignment with the recently-announced plan to increase the SUCB charge to 10p in England.<sup>6</sup>

Amending the SUCB (Scotland) Regulations 2014 to increase the SUCB charge from 5p to 10p would contribute to the delivery of the Scottish Government's National Outcomes 12 and 14:

- We value and enjoy our built and natural environment and protect it and enhance it for future generations;
- We reduce the local and global environmental impact of our consumption and production

Achieving these strategic objectives will help Scotland progress towards its 2025 waste targets:

- Reduce total waste arising in Scotland by 15% against 2011 levels
- Reduce food waste by 33% against 2013 levels
- Recycle 70% of remaining waste
- Send no more than 5% of remaining waste to landfill

In 2015, the Scottish Government signed up to support the United Nations Sustainable Development Goals (SDGs).<sup>7</sup> The ambition behind the SDGs is to end poverty, protect the planet and ensure prosperity for all as part of a new sustainable development agenda. Amending the SUCB (Scotland) Regulations to increase the minimum SUCB charge from 5p to 10p would have a positive impact on a number of these goals, most explicitly Goal 12: Responsible Consumption and Production. It would also contribute, indirectly, to other SDGs through the commitment of most

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<sup>5</sup> Total number of responses = 306. A total of 229 responses were from individuals (88% agreed with the proposal to increase the charge) and a total of 77 responses were from organisations (64% agreed with the proposal to increase the charge).

<sup>6</sup> [Single use carrier bags: extending and increasing the charge - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/single-use-carrier-bags-extending-and-increasing-the-charge)

<sup>7</sup> [UN Sustainable Development Goals](https://www.un.org/sustainabledevelopment/)

Scottish retailers to donate proceeds from the sale of SUCBs to social and environmental charities.

In terms of alignment with EU regulations, in the case of lightweight plastic carrier bags, an EU Directive requires countries to reduce their consumption through charges or national maximum consumption targets.<sup>8</sup> In addition to this Directive, in May 2018, the European Commission's Circular Economy Package was approved.<sup>9</sup> The legislation aims to move economies towards adopting more circular approaches and to curb plastic waste and littering. In the context of this Circular Economy Package, the EU Strategy for Plastics in a Circular Economy was published in January 2018. Actions include curbing plastic waste and littering, with actions to reduce single-use plastics, tackle sea-based sources of marine litter, and monitor and curb marine litter more effectively.<sup>10</sup> Increasing the SUCB charge from 5p to 10p will help to maintain reductions to date in, and may further reduce, plastic waste and littering.

### **Policy objectives**

The overall policy objectives associated with amending the SUCB (Scotland) Regulations 2014 to increase the minimum SUCB charge from 5p to 10p are to:

- Ensure the reduction in SUCB use to date is maintained and further reductions are achieved
- Support additional reductions in littering behavior
- Increase materials and carbon savings
- Reduce waste sent to landfill and associated costs of waste treatment
- Deliver economic and societal benefits for Scotland

### **1.3 Potential impacts of the change**

#### **Who will it affect?**

The increase in the minimum SUCB charge from 5p to 10p would be applied across Scotland and would not target specific groups or sections of society. However, the impacts may be experienced differently by people with certain protected characteristics (or combinations thereof).

Since the introduction of the 5p charge, nearly all large grocery retailers, used by a majority of people, have already increased SUCB charges to 10p or more - or have switched entirely from SUCBs to bags for life (BfL), costing 10p or more - on a voluntary basis.<sup>11</sup> As a result, people have already had time to adjust to such a charge and, in any case, shoppers will have the option to bring or buy a reusable carrier bag and therefore avoid repeated SUCB costs. That being the case, it is unlikely that a large majority of the population will face substantial additional costs from this charge.

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<sup>8</sup> [Directive \(EU\) 2015/720](#) of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags.

<sup>9</sup> [EU Circular Economy package](#)

<sup>10</sup> [A European Strategy for Plastics in a Circular Economy](#)

<sup>11</sup> [Single-use plastic carrier bags charge data for England - data.gov.uk](#)

## Expected impacts

A positive impact of the proposed amendment would be its impact on littering in both terrestrial and aquatic environments. Evidence shows that SUCBs are a prevalent form of littering in Scotland and have a major damaging impact on marine wildlife.<sup>12</sup> Littering has been one of the nation's most frequently-reported neighbourhood problems since 2006, and disproportionately impacts on deprived neighbourhoods.<sup>13</sup> Previous research suggests littering also imposes a real cost on society.<sup>14</sup>

There is evidence that the introduction of the minimum 5p charge led to a significant decrease in littering. A study conducted by the Marine Conservation Society, following on from the implementation of the SUCB (Scotland) Regulations 2014, showed that the number of plastic bags on UK beaches dropped by 40% between 2015 and 2016,<sup>15</sup> and a further 42% between 2018-19 (from 6.4 to 3.7 bags per 100m of beach).<sup>16</sup>

Measures that reduce littering, such as an increase in the SUCB charge, could reasonably be predicted to have a positive impact on people's sense of neighbourhood generally.<sup>17</sup>

Many retailers have charitable funds raised through the SUCB charge which support social or environmental projects at local level. It should be noted that this is a voluntary act and not a mandatory requirement of the SUCB charge regulations. This was identified as a potential positive impact of the increased SUCB charge in the climate justice workshop, run by the Scottish Government Research Team in February 2018; and discussed in the Public Interest Workshop held on 15 March 2018 in Edinburgh, and in the interview with the representative organisation for remote and island communities on 12 April 2018.

### 1.4 What might prevent the desired outcomes being achieved?

Achieving the desired outcomes will be dependent on businesses and consumers adopting new behaviours to effectively further reduce the use of SUCBs, primarily an increase in bag re-use. As noted in the Business Regulatory Impact Assessment, the substitution of SUCBs with reusable bags for life (BfLs) suggests that some of the initial benefits of the reduction in the number of SUCBs is offset by the increased use of substitute bags, including Bags for Life (BfLs) and smaller bin bags. Despite this, the Scottish Post-Implementation Review found that, annual savings of 4,349 tonnes of plastic and 2,692 tonnes of carbon were achieved in the year following the introduction of the charge.

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<sup>12</sup> [RSPB Scotland Consultation Response: Safeguarding Scotland's Resources](#)

<sup>13</sup> [Scottish Household Study 2016](#)

<sup>14</sup> [Scotland's Litter Problem](#)

<sup>15</sup> [Plastic bag tax - to be increased and extended say reports](#)

<sup>16</sup> [Marine Conservation Society \(2020\): Beachwatch dataset](#)

<sup>17</sup> [Scottish Household Survey 2016](#)

## Stage 1: Framing

### 2. 1 Results of framing exercise

The Scottish Government's Environment and Forestry Directorate is leading on the amendment to the SUCB (Scotland) Regulations 2014 and has considered a range of issues in relation to the EQIA. A range of research and data gathering activities have been undertaken:

- **Gathering of relevant statistics:** To inform the EQIA framing exercise, relevant statistics and data sets regarding protected characteristics potentially affected by an increase in SUCB were collected and assessed.
- **Gathering evidence from existing surveys:** Existing surveys and evidence relating to the protected characteristics on the topics of consumption, income and littering were collected and assessed.
- **Circular Economy Bill consultation:** In addition to the desk-based research, a formal six-week consultation on the contents of the CE Bill was undertaken in November 2019.<sup>18</sup> The consultation paper included two specific questions on the SUCB charge<sup>19</sup> and one on its potential equalities issues.<sup>20</sup> Independent analysis of the responses was published, the results of which were used to inform the framing of this policy.
- **Targeted survey:** Following the CE Bill consultation, an additional survey was undertaken in October 2020, targeting 12 key stakeholders associated with equalities in Scotland. The survey asked stakeholders to identify the increased SUCB charge might have a disproportionate impact (positive or negative) on people with protected characteristics, and if there is a negative impact, how could that impact be mitigated. The survey was designed to be proportional to the anticipated impact, based on understanding from the evidence reviewed during the framing and scoping exercise. Only one response was received suggesting this is not viewed as a significant equalities issue by stakeholders.

This assessment looked at evidence gathered under the following protected characteristics as listed within the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

A partial EQIA was not published when the SUCB (Scotland) Regulations were introduced in October 2014. Since then, however, a significant amount of evidence

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<sup>18</sup> [Circular Economy Consultation Analysis](#)

<sup>19</sup> The questions were: (i) Do you agree with the proposal to increase the minimum charge on single-use carrier bags from 5p to 10p? (306 respondents (77 organisations and 229 individuals)); and (ii) Do you agree that the initial 5p minimum charge on single-use carrier bags has had a positive impact on the environment? (305 respondents (80 organisations and 225 individuals))

<sup>20</sup> The question was: Taking into account the accompanying Equality Impact Assessment (EQIA), are there any additional likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above? (230 respondents - 75 organisations and 155 individuals)

gathering and consultation has been undertaken, which informed this full EQIA. Where there are gaps in the evidence, we have consulted with key stakeholders to gather further evidence and engage with representative equality groups to fill these gaps.

## 2.2 Summary of findings

The evidence gathered to date indicates that the amendment to the SUCB charge may impact on people with certain protected characteristics, and in certain communities more than others. This section outlines potential positive and negative impacts.

### **Potential negative impacts on people with protected characteristics**

Analysis has highlighted the following potential negative impact:

#### **1. Consumers reliant upon small local retailers or take-aways**

In the post-implementation review of the SUCB charge in Wales, it was found that one in 10 consumers (10%) who had undertaken a large food shop in store bought a new SUCB, compared with 20% of those who had done a smaller 'top-up' shop, 37% who had done a non-food shop and 76% of those who had collected a takeaway.<sup>21</sup>

These findings suggest there is a behavioural difference in terms of people's ability to regularly remember to bring their reusable carrier bag to smaller food and non-food shops and for takeaways. This may be due, in part, to the ad-hoc nature of visiting these venues as opposed to undertaking more regular visits to a large food shop. People with (i) cognitive or learning differences, who perhaps find it more difficult to remember to bring their reusable carrier bags; and (ii) disabled people who are dependent on smaller food shops (those with limited mobility) and takeaways (limited ability to cook their own meals), are potentially more likely to be affected by the charge increase.

#### **2. Younger People**

The engagement and participation of younger people is important. The evidence from Wales shows that younger people are more likely to purchase SUCBs and therefore may be disproportionately affected by the charge increase.

### **Potential positive impacts on people with protected characteristics**

#### **1. Probable reduction in litter**

The initial 5p SUCB charge led to a significant reduction in littering of SUCBs. If the charge is doubled, the level of littering may reduce further, though it is difficult to predict the extent to which this would happen.

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<sup>21</sup> [Post-implementation Review of the SUBC Charge in Wales - 2016](#)

## Interaction with other policies (draft or existing)

Over the next few years, a raft of other policies relating to single-use packaging will be delivered in Scotland and across the UK. These include, but are not limited to, the Scottish Deposit Return Scheme,<sup>22</sup> alignment with the EU Single Use Plastics Directive (involving the banning and market restriction of several single-use plastic items),<sup>23</sup> a UK-wide revision of extended producer responsibility rules for packaging,<sup>24</sup> and a UK-wide plastics tax.<sup>25</sup> The cumulative impact of all of these policies on those with protected characteristics is not fully understood.

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<sup>22</sup> [Scotland's Deposit Return Scheme](#)

<sup>23</sup> [Scotland's consultation on introducing market restrictions on single use plastic items](#)

<sup>24</sup> [UK-wide reform of packaging EPR](#)

<sup>25</sup> [UK-wide plastics tax](#)

## Stage 2: Data and evidence gathering, involvement and consultation

This section includes the results of the evidence gathering and the framing exercise, and includes qualitative and quantitative data from national statistics, surveys and other sources which is relevant to assessing the potential impact of the proposed amendment on people in Scotland with protected characteristics.

| Characteristic <sup>26</sup> | Evidence gathered and Strength/quality of evidence   | Source   | Data gaps identified and action taken |
|------------------------------|--|--|---------------------------------------|
| AGE                          | Welsh research shows that <b>young people are less likely to take their own bags</b> shopping and are therefore more likely to purchase single use bags, particularly for non-supermarket shopping.  | Post-implementation Review of the SUCB in Wales                            |                                       |
|                              | <b>Older people visit their local shop</b> 3.9 times a week, which is more often than younger people. Local shops are more likely to still use single use bags.  | Scottish Grocers Federation<br>Scottish Local Shop Report, 2018            |                                       |
|                              | Young people may benefit more from reduced littering as they perceive it to be more of a problem. People aged between 16 to 24 are more likely (35%) to report neighbourhood littering as very or fairly common, compared to 27% for those aged 60 to 74. The evidence suggests that litter is a social problem that particularly affects young people's perceptions of their own neighbourhood. | Scottish Household Survey 2016   |                                       |
|                              | People living in rural areas may also benefit from a reduction in littering. Media coverage has highlighted the issue of litter both on our beaches and at tourist hotspots, such as the successful NC500 tourist route around the north of Scotland. This is likely to have a   | BBC News<br><br>Population Estimates by Urban Rural Classification 2011-16 |                                       |

<sup>26</sup> Refer to [Definitions of Protected Characteristics](#) document for information on the characteristics

|                   |   |  |  |
|-------------------|---|--|--|
|                   | particularly positive impact on the elderly, as 56% of the remote rural population were aged 45 and over, compared to 41% in large urban areas.   |  |  |
| <b>DISABILITY</b> | 24% of adults have a long-term <b>physical or mental health condition</b> . A <b>higher proportion of women</b> experience disability with twice as many women as men receiving home care services.   | Scottish Household Survey 2019<br>Home Care Services, Scotland, 2011   |  |
|                   | People who experience disability are <b>more susceptible to financial difficulty</b> , with 321,000 classed as economically inactive. 25% of individuals in families with at least one disabled member live in income poverty.  | Disabled People Employment Action Plan<br>Poverty and Income Inequality in Scotland 2014-2017  |  |
|                   | <b>Cognitive disabilities and learning differences</b> , such as dyslexia, Alzheimer's, dementia, autism and other related conditions, may necessitate a requirement for the item that is subject to the charge or may have more difficulty in adapting their behaviour to adopt reusable alternatives. | NHS factsheets on dementia, autism and Alzheimer's   |  |
|                   | <b>Females are more likely to have a limiting condition or disability</b> than males, making them more susceptible to the impact of an increased charge, as considered above. It should be noted that this is dependent on the kind of disability.  | Scottish Health Survey 2017  |  |
|                   | A <b>higher percentage of women report that they use reusable carrier bags</b> . Men are 37% less likely to always take their own bags to the supermarket and 32% in the case of other types of shops. This may relate to evidence that regular consumers may be  | Poortinga, W, Whitmarsh, L and Suffolk, C, 2012: The introduction of a single-use carrier bag charge in Wales: attitude change and behavioural |  |

|                                       |  |  |  |
|---------------------------------------|--|--|--|
|                                       | more likely to remember to take reusable items than irregular consumers.   | spillover effects (Welsh School of Architecture Working Paper) |  |
| <b>PREGNANCY AND MATERNITY</b>        | We are not aware of any relevant existing evidence at this time on pregnancy and maternity in relation to the policy.  |  |  |
| <b>GENDER REASSIGNMENT</b>            | We are not aware of any relevant existing evidence at this time on gender reassignment in relation to the policy.  |  |  |
| <b>SEXUAL ORIENTATION</b>             | We are not aware of any relevant existing evidence at this time on sexual orientation in relation to the policy.   |  |  |
| <b>RACE</b>                           | We are not aware of any relevant existing evidence on race in relation to the policy.  |  |  |
| <b>RELIGION OR BELIEF</b>             | We are not aware of any relevant existing evidence at this time on religion or belief in relation to the policy.   |  |  |
| <b>MARRIAGE AND CIVIL PARTNERSHIP</b> | The Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices – refer to Definitions of Protected Characteristics document for details. |  |  |

### Stage 3: Assessing the impacts and identifying opportunities to promote equality

This section outlines the qualitative scoring of the potential impacts (negative, positive and neutral) for each of the protected characteristics. This qualitative scoring has been undertaken using the data and evidence gathered to date. This is a preliminary and indicative assessment of the potential impacts at this full stage of the EQIA and will be subject to further review during the amendment to the SUCB (Scotland) Regulations 2014 and drafting of the final EQIA.

#### Do you think that the policy impacts on people because of their age?

| Age   | Positive | Negative | None | Reasons for your decision  |
|---|----------|----------|------|--|
| Eliminating unlawful discrimination, harassment and victimisation |          |          | X    | The amendment to the SUCB (Scotland) Regulations 2014 does not create unlawful discrimination related to age.  |
| Advancing equality of opportunity                                 | X        | X        |      | <p>There could potentially be positive and negative impacts on older and younger people in relation to an increase in the SUCB charge, as young people are more likely to purchase SUCBs and older people tend to rely more on local shops.</p> <p>Accessible communication and inclusive engagement will be central to ensuring consumers of all ages are aware of the consultation and of the proposed revised SUCB.</p> <p>On a positive note, a key objective of the increase in the SUCB minimum charge is to support a reduction in litter. The evidence indicates that there is a likelihood that young people may see less litter in their neighbourhoods and view these from a more positive perspective, especially those young people living in lower socio-economic circumstances.</p> |
| Promoting good relations among and between different age groups   | X        |          |      | The reduction in the littering of SUCBs, as a result of an increased charge, could potentially promote good relations between different age groups by helping to reduce littering in local communities. People of all ages could collectively view and take pride in their neighbourhood from a more positive perspective.   |

**Do you think that the policy impacts disabled people?**

| <b>Disability</b>   | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>  |
|---|-----------------|-----------------|-------------|---|
| Eliminating unlawful discrimination, harassment and victimisation           |                 |                 | <b>X</b>    | The amendment to the SUCB (Scotland) Regulations 2014 does not create unlawful discrimination related to disability.  |
| Advancing equality of opportunity   |                 | <b>X</b>        |             | Evidence suggests that a high percentage of households have someone who experiences disability or has a mental health condition and some can be more susceptible to financial difficulty.<br><br>The increase in SUCB charge may have impacts on disabled people, including both physical and cognitive disabilities, who may have a requirement for the item that is subject to the charge or have more difficulty in adapting their behaviour to adopt reusable alternatives. |
| Promoting good relations among and between disabled and non-disabled people |                 | <b>X</b>        |             | Given increased public and regulatory pressure to move away from single-use plastic items, individuals with cognitive and learning differences could face increased judgement from non-disabled people when purchasing SUCBs.   |

**Do you think that the policy impacts on men and women in different ways?**

| <b>Sex</b>                                     | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>  |
|--|-----------------|-----------------|-------------|---|
| Eliminating unlawful discrimination            |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 does not create unlawful discrimination related to gender.                      |
| Advancing equality of opportunity              |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 does not create inequality of opportunity related to gender.                    |
| Promoting good relations between men and women |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 is unlikely to impact on the promotion of good relations between men and women. |

**Do you think that the policy impacts on women because of pregnancy and maternity?**

| <b>Pregnancy and Maternity</b>                                    | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>  |
|---|-----------------|-----------------|-------------|---|
| Eliminating unlawful discrimination                               |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 does not create unlawful discrimination related to pregnancy and maternity.   |
| Advancing equality of opportunity                                 |                 |                 | X           | We are unaware of any relevant and existing evidence, at this time, on pregnancy and maternity in relation to the proposed amendment to the SUCB (Scotland) Regulations 2014. |
| Promoting good relations between pregnant women and other people. |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 is unlikely to impact on the promotion of good relations between pregnant women and other people.                       |

**Do you think your policy impacts on transsexual people?**

| <b>Gender reassignment</b>                                      | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>  |
|---|-----------------|-----------------|-------------|---|
| Eliminating unlawful discrimination                             |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 does not create unlawful discrimination related to gender reassignment.   |
| Advancing equality of opportunity                               |                 |                 | X           | We are unaware of any relevant and existing evidence, at this time, on the gender reassignment protected characteristic in relation to the to the proposed amendment to the SUCB (Scotland) Regulations 2014. |
| Promoting good relations between transgender people and others. |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 is unlikely to impact on the promotion of good relations between transgender people and others.   |

**Do you think that the policy impacts on people because of their sexual orientation?**

| <b>Sexual orientation</b>  | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>  |
|--|-----------------|-----------------|-------------|---|
| Eliminating unlawful discrimination                                      |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 does not create unlawful discrimination related to sexual orientation.  |
| Advancing equality of opportunity  |                 |                 | X           | We are unaware of any relevant and existing evidence, at this time, on the sexual orientation protected characteristic in relation to the proposed amendment to the SUCB (Scotland) Regulations 2014. |
| Promoting good relations between people of different sexual orientation. |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 is unlikely to impact on the promotion of good relations between people of different sexual orientation.  |

**Do you think the policy impacts on people on the grounds of their race?**

| <b>Race</b>                         | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>   |
|-------------------------------------|-----------------|-----------------|-------------|--|
| Eliminating unlawful discrimination |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 does not create unlawful discrimination related to race.   |
| Advancing equality of opportunity   |                 |                 | X           | We are unaware of any relevant and existing evidence, at this time, on race in relation to the proposed amendment to the SUCB (Scotland) Regulations 2014. |
| Promoting good race relations       |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 is unlikely to impact on the promotion of good race relations.                                       |

**Do you think the policy impacts on people because of their religion or belief?**

| <b>Religion or belief</b>  | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b>  |
|--|-----------------|-----------------|-------------|---|
| Eliminating unlawful discrimination                                      |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 does not create unlawful discrimination related to religion or belief.  |
| Advancing equality of opportunity  |                 |                 | X           | We are unaware of any relevant and existing evidence, at this time, on religion or belief protected characteristic in relation to the proposed amendment to the SUCB (Scotland) Regulations 2014. |
| Promoting good relations among people of religion and belief and others. |                 |                 | X           | The amendment to the SUCB (Scotland) Regulations 2014 is unlikely to impact on the promotion of good relations among people of religion and belief and others.                                    |

**Do you think the policy impacts on people because of their marriage or civil partnership?**

| <b>Marriage and Civil Partnership<sup>27</sup></b> | <b>Positive</b> | <b>Negative</b> | <b>None</b> | <b>Reasons for your decision</b> |
|--|-----------------|-----------------|-------------|----------------------------------|
| Eliminating unlawful discrimination                |                 |                 |             | Not Applicable.                  |

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<sup>27</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

**Stage 4: Decision making and monitoring**

**Identifying and establishing any required mitigating action**

|  |  |
|--|--|
| <p>Have positive or negative impacts been identified for any of the equality groups?</p>               | <p>This review has identified at this stage a range of potentially positive and negative impacts relating to the proposal to increase the SUCB. The qualitative scoring of these potential impacts, both negative and positive, have been considered for each of the protected characteristics and the other specified characteristics as listed in this EQIA.</p> <p>This qualitative scoring has been undertaken using the data and evidence available and gathered to date and within the timescale allowed.</p> <p>Having taken account of all the evidence, the conclusion we have reached is that the policy is an appropriate means of delivering the objectives sought, and that the net equality impacts overall are likely to be modest when set against those wider objectives.</p> |
| <p>Is the policy directly or indirectly discriminatory under the Equality Act 2010<sup>28</sup>?</p>   | <p>While there are some potential minor positive and negative impacts identified, the proposal to increase the charge for SUCBs is not directly or indirectly discriminatory under the Equality Act 2010.</p>  |
| <p>If the policy is indirectly discriminatory, how is it justified under the relevant legislation?</p> | <p>Not Applicable</p>  |
| <p>If not justified, what mitigating action will be undertaken?</p>                                    | <p>Not Applicable</p>  |

<sup>28</sup> See EQIA – Setting the Scene for further information on the legislation.

## Describing how Equality Impact analysis has shaped the policy making process

### Monitoring and Review

The impact of the regulations will be considered as part of ongoing engagement with interested stakeholders.

### *Stage 5: Authorisation of EQIA*

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

## **Declaration**

**I am satisfied with the equality impact assessment that has been undertaken for the increase to the minimum charge for single use carrier bags and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name: Donald McGillivray**

**Position: Deputy Director**

**Authorisation date: 17.12.2020**

## **List of References**

[Single Use Carrier Bag \(Scotland\) Regulations 2014](#)

[European Union's Circular Economy Package 2018](#)

[Post-implementation Review of the SUBC Charge in Wales](#)

[Scottish Grocers Federation Scottish Local Shop Report, 2018](#)

[Scottish Household Survey 2017](#)

[Home Care Services, Scotland, 2011](#)

[Disabled People Employment Action Plan](#)

[Poverty and Income Inequality in Scotland 2014-2017](#)

[NHS Factsheets on dementia](#)

[NHS Factsheets on autism](#)

[NHS Factsheets on Alzheimer's](#)

[Carers Trust Scotland](#)

[Sourced from the Equality Impact Assessment for the Child Poverty \(Scotland\) Bill](#)

[Scottish Health Survey 2017](#)

[Evaluation of the introduction of the single-use carrier bag charge in Wales: attitudes change and behavioural spill over. Report to the Welsh Government, June 2012](#)

[Scotland Census 2011](#)

[A Minimum Income Standard for Remote Rural Scotland, 2013, Highlands and Islands Enterprise](#)

[Cost of Living analysis, 2017](#)

[Poverty and the Cost of Living: An Evidence Review, 2014, Joseph Rowntree Foundation](#)

[Family Spending in the UK, 2017, ONS](#)

[Scottish Household Survey 2019, 2019, Scottish Government](#)

[Circular Economy Bill Consultation Analysis 2020](#)



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