

STATES OF JERSEY



DRAFT SINGLE USE PLASTICS ETC. (RESTRICTIONS) (JERSEY) AMENDMENT LAW 202- (P.77/2024): COMMENTS

**Presented to the States on 5th December 2024
by the Environment, Housing and Infrastructure Scrutiny Panel**

STATES GREFFE

COMMENTS

Introduction

The Panel is supportive of the aim of the amendment to the P.77/2024 Draft Single-Use Plastics Etc. (Restrictions) (Jersey) Amendment Law 202-.¹ which will enact a ban on single-use vapes.

It welcomes the move made by the Minister for Infrastructure and Government Officers to explore the ways that this ban can be enacted quickly and so keep pace with similar global legislative changes.

This is a ban which, as enacted through legislation to reduce waste, is based on a sound environmental principle and has additional societal benefits. It seeks to stop the sale and use of a product which stands in stark contrast to global and local commitments to reduce waste and encourage reuse and recycling.

Single-use vapes use materials including plastic, metals and a lithium battery for a product which can last for just a few days. Figures supplied by the Government indicate that about 73% of UK vapers throw-away single-use vapes as general rubbish. Even when this is not the case recycling is costly and specialised.

The Panel has noted that there are future questions to be raised on the potential to extend bans for health reasons but is aware that is not within its remit and is not the primary intention of this current ban. It is the Panel's hope that, as and when the Government explores options for potential taxation of vapes or widening regulation which focuses on the public health impact of nicotine products more generally, this will receive appropriate scrutiny at that time.

In conclusion, the Panel would strongly urge Members to support this timely amendment to ensure that Jersey remains in step with this important global movement to ban single-use vapes.

Commentary

On 14 November 2024 the Panel received a helpful and insightful briefing from the Government's Head of Environment and Climate which set out the rationale for the ban itself and provided global context for the move.

The report accompanying P.77/2024 sets out in detail the environmental argument for the ban and, for that reason, the Panel will not rehearse the same arguments in the Comments Paper. However, in order to stress the importance of the ban, it would reiterate the conclusion of paragraph 2.2 of the report which notes that the increasing use of single-use vapes exacerbates challenges associated with recycling, rubbish and littering by '*increasing the cost of managing the Island's waste, increasing the likelihood and frequency of lithium battery fires, increasing pollution incidents and their legacy and increasing the use of single use plastics*'.²

¹ [Draft Single-Use Plastics etc. \(Restrictions\) \(Jersey\) Amendment Law 202-](#)

² [Draft Single-Use Plastics etc. \(Restrictions\) \(Jersey\) Amendment Law 202-](#)

The report also sets out the consultation which was undertaken in anticipation of this legislative change, with retailers and consumers. It also indicates a willingness to work with suppliers in the period following the enactment, including a six-month period in which individuals and traders will be able to sell / supply single use vapes that were in their possession prior to the ban coming into force.

It is clear from the information provided – and which is publicly available - that Jersey is not alone in the move to ban single-use vapes. The UK, France and Guernsey have all recently made moves to introduce a ban, each using different legislative instruments to meet the same end, and other European countries are considering or have progressed bans.

The Environmental Protection (Single-use Vapes) (England) Regulations 2024 is due to come into force on 1 June 2025³. Similar regulation is being introduced in in other parts of the UK between April and June next year.⁴ The dates for the English regulations have moved on since the publication of P.77/2024 which preceded an announcement from the Labour Government on how it would progress the work.

In September this year the European Commission gave the go-ahead for the French Parliament’s plans to ban single-use vapes and Guernsey has also approved an enabling law which includes a ban on the importation, sale and supply of single-use vapes.

This is a global move and one which Jersey is right to join at the earliest stage.

The Panel also feels that paragraph 7 of the report to the amendment provides a pertinent reminder of the need for the swift development and implementation of ban given the time that it will take for the measures to have an impact.

*...As single use vapes will continue to enter the waste stream for some time after the ban comes into force, the impact will be gradual.*⁵

The Panel has sought assurances from the Minister that other legislative vehicles were examined, partly to ensure that there is no inherent risk in using a law focused on plastics which could then be bypassed by manufacturers using other materials. The matter was raised at both the briefing with officers and at the Quarterly Hearing with the Minister for Infrastructure on 20 November 2024.

Deputy T.A. Coles:

Do you see any future risks to amending this piece of legislation based on single-use plastics for this purpose? The panel notes that manufacturers are already redesigning single-use vapes to find ways that they may not apply within this ban.

The Minister for Infrastructure:

The very introduction of vapes is a result of what has been happening with other products in the market and I am sure the value of the market will see further investment in how do you find a solution to get around it. So we are trying to

³ [The Environmental Protection \(Single-use Vapes\) \(England\) Regulations 2024](#)

⁴ [Debate on a Motion to approve the Draft Environmental Protection \(Single-Use Vapes\) \(England\) Regulations 2024 - House of Commons Library](#)

⁵ [Draft Single-Use Plastics etc. \(Restrictions\) \(Jersey\) Amendment Law 202-](#)

solve this problem at this time. I do not underestimate the investment that companies will put into fines, workarounds, and we would urge people in the meantime to dispose of these things properly and safely, not to stow them in hedges and on pavements.

The Panel heard that a working group was established to inform this policy development with representatives from the Cabinet Office, Waste and Recycling, Trading Standards, Jersey Customs and Immigration Service, Health Improvement and Regulation and involvement with Treasury and the Department for the Economy. As such it is satisfied that all routes to achieve the right conclusion in the quickest time were explored.

Further it is satisfied that other projects continue which address wider issues associated with vaping, including:

- Work on a vaping tax in 2025 with the hope that this could be aligned with similar moves in the UK and Guernsey;
- Options for a legal framework around vapes, including non-inhaling nicotine products, with the aim of reducing and preventing youth uptake and to mitigate the potential harms of an unregulated market for all Islanders who vape, and for Islanders who consume nicotine in other forms.

In relation to this latter point, and while recognising that the rationale for the ban remains rooted in a desire to reduce waste, it is worth noting that research conducted by Public Health Jersey earlier this year would indicate that single-use vapes are particularly attractive to young people. Disposable vapes are cheaper and the flavours more frequently designed to appeal to young people.

From the responses received from parents and carers of children who vape, 95.65% of children used single use / disposable vapes and 34.78% used refillable vapes. UK research delivered by Action on Smoking and Health published in August 2023 found, not only a growing use of disposable vapes among adults, but also a significant increase in use among children and young adults.

Use of disposable vapes has grown rapidly in the last two years, particularly among children and young adults. In 2023 69% of children who currently vape said they most frequently used a disposable, up from half (52%) in 2022 and fewer than one in ten (7.7%) in 2021. The proportion of children currently vaping has more than doubled since 2021 (from 3.2% to 7.6%) and experimentation (trying once or twice) has grown by 50% in the last year (from 7.7% to 11.2%). ASH youth surveys find growing awareness among children of their promotion, in shops and online, particularly on Tik Tok as well as growing peer pressure to vape.⁶

The Panel feels that it is reasonable to conclude that a ban on single-use vapes, supported by increased engagement and policy development by Public Health Jersey, is a positive move in tackling the take up of nicotine use among young people, as distinct from adult users who already use nicotine products.

The removal of disposable vapes from the market does also seem to have been weighed to ensure that those users who are using vapes as the first line to stopping smoking still

⁶ [Policy-options-to-tackle-the-issue-of-disposable-single-use-vapes.pdf](#)

have access to products. Refillable and reuseable vapes will remain available and Help to Quit Services remain in place.

The Report to the amendment addresses the enforcement of the ban and details the proportionate approach that will be taken as follows:

Enforcement will adopt the existing '4E's approach' of Engage, Explain, Encourage and Enforce. This delivers a high level of engagement and ensures that a penalty is incurred when necessary through a proportionate approach.⁷

Conclusion

This ban is one which the Panel believes should be welcomed and supported by the States Assembly both in its immediate impact on the purchase of single-use vapes but also the encouragement that it provides towards a behavioural shift away from environmentally damaging disposable products.

The Panel looks forward to hearing from the Minister for Infrastructure on:

- The potential to widen this legislation further in future to include other disposal products, and
- Steps taken to ensure that changes in the materials used by manufacturers will be captured by this or subsequent amendments/legislative change.

It would also hope that colleagues on the Corporate Services and Health and Social Security Panels will examine work which falls within their remits in the coming year in relation to the potential to tax vaping products and further Public Health regulation on vaping and nicotine products.

⁷ [Draft Single-Use Plastics etc. \(Restrictions\) \(Jersey\) Amendment Law 202-](#)