



The Scottish Parliament
Pàrlamaid na h-Alba

Sheila Duffy
Chief Executive
ASH Scotland

**Net Zero, Energy and Transport
Committee**

c/o Clerk to the Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

By email only

netzero.committee@parliament.scot

28 June 2024

Dear Ms Duffy,

The Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024

The Net Zero, Energy and Transport Committee will consider the Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024 at its meeting on 3 September 2024.

The regulations propose to ban the sale and supply of single-use vapes in the course of business in Scotland. The ban would come into effect from 1 April 2025. According to the policy note, banning the supply of single-use vapes in the course of business will achieve the following policy aims:

- accelerating a reduction in environmental harm by reducing the number of vapes being landfilled, incinerated, and littered, thereby increasing recycling and reuse rates; and
- stimulating businesses and consumers to replace single-use vapes with reusable alternatives, thereby supporting a switch to less environmentally harmful products.

If agreed to, the regulations would:

- Make it an offence for a person to supply, offer to supply or have in their possession for supply, in the course of business, single-use vapes (Regulation 4)

- Enable local authorities to authorise enforcement officers for the purpose of determining whether or not an offence has been or is being committed (Regulation 8)
- Provide for enforcement powers to carry out necessary investigations to determine whether an offence has been or is being committed (Regulation 9)

More information on the instrument is available at legislation.co.uk. This information includes a list of the impact assessments conducted by the Scottish Government, which are available [here](#).

In advance of the Committee's consideration of the regulations, your views are sought on the following:

1. Do you agree that the supply and sale of single-use vapes in Scotland should be banned? If not, do you favour an alternative approach?
2. Coming into force on 1 April 2025, the regulations ban the supply of single-use vapes in Scotland. What do you think about the timescale for implementing this ban?
3. A "single-use vape" - is any vape that is not refillable or rechargeable. Do you agree with this definition and are there any potential loopholes or unintended consequences?
4. The regulations establish two main offences with associated penalties. Do you think these penalties are proportionate?
5. The enforcement powers granted to local authorities are extensive, allowing them to enter premises, take samples, and investigate suspected offences. What do you think of these powers both from the perspective of local authorities and businesses?
6. What do you think about the enforceability of the Regulations; potential key challenges in this area; and whether lessons can be drawn from any comparable areas, such as the single-use plastics ban.
7. The policy objectives aim to reduce environmental harm and encourage reusable alternatives. Are these regulations sufficient to meet these objectives and are any supportive measures needed, for example, around communication, or uptake of reusable alternatives.
8. The Strategic Environmental Assessment says that the ban might result in an increased demand for illegally sold single-use vapes. What are the risks of increasing illegal sales of single-use vapes and how can those risks be mitigated?
9. Various [impact assessments](#) have been completed by the Scottish Government. The Committee would welcome views on the financial, business, environmental, and equality impacts identified or other comments on the impact assessments.

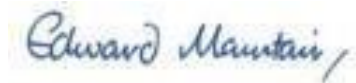
10. The Regulations have been introduced following a UK consultation. Other UK countries are expected to introduce similar regulations. Do you have any views or concerns about alignment or cross-border implications?

Finally, we ask that you disclose in your response any direct or indirect links to the vaping or tobacco industry.

The Committee would appreciate a response by midday on **Friday 18 August 2024**.

Please contact the Committee clerks should you have any questions.

Yours sincerely,

A handwritten signature in blue ink that reads "Edward Mountain".

Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee