

Environment Protection (Plastic Carry Bags) Regulations 2004

GN No. 14 of 2004

THE ENVIRONMENT PROTECTION ACT 2002

Regulations made by the Minister under section 96 of the Environment Protection Act 2002

1. These regulations may be cited as the **Environment Protection (Plastic Carry Bags) Regulations 2004**.

2. In these regulations -

"Act" means the Environment Protection Act 2002;

"degradable plastic" means a plastic film containing a controlled percentage of an appropriate non-toxic and non-tinting additive, which will enable the plastic film to totally degrade when exposed to aerobic or anaerobic conditions, including when disposed in a landfill or other regulated dumping area, and within such period of time as specified under item 2 of the Schedule;

"distribute" means to make plastic bags directly or indirectly available to users or consumers, whether free of charge or not;

"plastic carry bag" means a vest-type carrier bag made of plastic which is designed for the general purpose of carrying goods purchased by consumers;

"stockpile" means store for the purpose of trade or distribution;

"vest-type carrier bag" means a plastic bag constructed with handles and gussets.

3. (a) The standards of plastic carry bags shall be as specified in the Schedule.

(b) A tolerance of 20 percent variation in the measurement of the minimum thickness of the plastic film, used in the manufacture of the plastic carry bag, shall not be considered as contravening the standards specified in the Schedule, where such variation is subsequent to the normal variation occurring in the normal course of production,

4. No person shall manufacture, import, stockpile, trade or distribute for local use plastic carry bags which are in contravention with the standards specified in the Schedule.

5. (a) The Director may by notice in writing require a person, within such period of time as may be specified in the notice, to supply the Director with such information as the Director may require on reasonable grounds for the purpose of ascertaining that the person is complying with the provisions of these regulations.
- (b) Where the Director is satisfied that a person is or is likely to breach these regulations he may take such measures as are appropriate under Part XI of the Act.
6. Where an authorised officer is of the opinion that there has been any contravention of these regulations, he may enter and search a premise other than a dwelling house, and take such measures as are provided under Part XI of the Act, for the purpose of enforcing these regulations.
7. (a) A Magistrate may, upon being satisfied that an authorised officer should exercise the powers and duties conferred upon him under these regulations in respect of a dwelling house, issue a warrant authorising the authorised officer to exercise those powers.
- (b) A warrant issued under paragraph (a) shall be valid for the period stated in the warrant.
8. Any person who fails to comply with these regulations shall commit an offence and unless it is otherwise specifically provided, shall be liable to the penalties provided for at section 85(1) of the Act.
9. The Court may, in addition to any punishment imposed under section 85(1) of the Act, order the forfeiture of any equipment or object used in the commission of the offence.

Made by the Minister on 19 January 2004.

SCHEDULE

(regulations 2,3 and 4)

Standards for plastic carry bags

1	Type of plastic carry bags	Vest-type carrier bag
2	Mode & Period of degradation	To totally degrade within a period of 12 months when exposed to aerobic or anaerobic conditions, including when disposed in a landfill or regulated dumping area
3	Degradation Method of Test	ASTM D 3826 - Standard practice for determining degradation end point in degradable polyethylene and polypropylene using a tensile test ASTM D 5208 - Standard practice for operating fluorescent

		<p>ultraviolet (UV) and condensation apparatus for exposure of photodegradable plastics</p> <p>ASTM D 5510 - Standard practice for heat ageing of oxidatively degradable plastics</p>
4	Type of degradable additive	Non-toxic, non—tinting
5	Thickness Method of Test	<p>Minimum of 20 microns with a tolerance of 20% before degradation</p> <p>ASTM D 374 - Standard Test Methods for Thickness of Solid Electrical Insulation</p>