

(9 May 2003 - to date)

## ENVIRONMENT CONSERVATION ACT 73 OF 1989

*(Gazette No. 11927, Notice No. 1188. Commencement date: 9 June 1989)*

### REGULATIONS UNDER SECTION 24 (d) OF THE ENVIRONMENT CONSERVATION ACT (ACT No. 73 of 1989) - PLASTIC CARRIER BAGS AND PLASTIC FLAT BAGS

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The Minister of Environmental Affairs and Tourism has, under section 24 (d) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), made the regulations in the Schedule.

**M V MOOSA**

**Minister of Environmental Affairs and Tourism**

#### SCHEDULE

1. Definitions
2. Prohibition of certain plastic bags
3. Offences and penalties
4. Commencement date

#### 1. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Environment Conservation Act, 1989 (Act No. 73 of 1989) shall bear the meaning so assigned to it in that Act and, unless the context indicates otherwise:

“**commercial distribution**” means making plastic bags directly or indirectly available for the packaging or the carrying of goods

“**plastic carrier bag**” means a bag, made of plastic film, with handles, with or without gussets, and which complies with paragraphs 4 and 5 of the Compulsory Specification;

“**plastic flat bag**” means a bag, made of plastic film, without handles, with or without gussets, and which complies with paragraphs 4 and 5 of the Compulsory Specification;

“**plastic film**” means a continuous, thin, non-woven membranous skin or layer of flexible material made of thermoplastic materials;

**“Compulsory Specification”** means the Compulsory Specification for Plastic Carrier Bags and Flat Bags published in terms of the Standards Act, 1993 (Act No. 29 of 1993);

**“trade”** means the sale of plastic carrier bags and plastic flat bags to any person, including, but not limited to, manufacturers, wholesalers and retailers of goods, for use within the Republic of South Africa.

## **2. Prohibition of certain plastic bags**

The manufacture, trade and commercial distribution of domestically produced and imported plastic carrier bags and plastic flat bags, for use within the Republic of South Africa, other than those which comply with paragraphs 4 and 5 of the Compulsory Specification, is hereby prohibited.

## **3. Offences and penalties**

- (1) Any person who contravenes regulation 2 shall be guilty of an offence and liable on conviction-
  - (a) to a fine; or
  - (b) to imprisonment for a period not exceeding 10 years; or
  - (c) to both such a fine and such imprisonment; and
  - (d) to a fine not exceeding three times the commercial value of anything in respect of which the offence was committed.
- (2) Any person convicted of an offence in terms of these regulations and, who after such conviction, persists in the act or omission which constituted such offence, shall be guilty of a continuing offence and be liable, on conviction, to a fine or to imprisonment for a period not exceeding 20 days or to both such fine and such imprisonment in respect of every day on which such offence continues.

## **4. Commencement date**

These regulations will come into effect on 09 May 2003.