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GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**No. R. 543****9 May 2002****REGULATIONS UNDER SECTION 24 (d) OF THE ENVIRONMENTAL CONSERVATION ACT (ACT No. 73 of 1989)**

The Minister of Environmental Affairs and Tourism has, under section 24 (d) of the Environmental Conservation Act, 1989 (Act No. 73 of 1989), made the regulations as set out in the schedule hereto.

M. V. MOOSA**Minister of Environmental Affairs and Tourism****SCHEDULE****PLASTIC BAGS REGULATIONS****Definitions**

1. 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) (hereinafter referred to as "the Act"), shall bear the meaning so assigned to it in the Act, and, unless the context indicates otherwise—

"commercial distribution" means making plastic bags directly or indirectly available for packaging or carrying goods or carrying waste and distribution has a corresponding meaning;

"mark" whether used in a compound with any other word or not, includes any symbol, sign, drawing, design, badge, emblem, representation, heading, name, word, signature, letter or numeral, or any combination of two or more thereof;

"plastic bag" means—

- (a) a plastic carrier bag with handles which is designed for the general purpose of carrying goods purchased by consumers;
- (b) a plastic flat bag constructed with no gussets or handles which is designed for the general purpose of carrying goods purchased by consumers; and
- (c) a plastic refuse bag which is designed for the general purpose of carrying waste;

"plastic bread wrapping" means—

- (a) a flimsy bread bag with a wall thickness between 5 and 10 micrometres, which is designed for the purpose of packaging bread;
- (b) a shrinklene bread bag with a width of 500 millimetres and a wall thickness between 8 to 12 micrometres, which is designed for the purpose of packaging bread; and
- (c) a bread bag, which is wicketed, with a wall thickness between 25 and 30 micrometres, which is designed for the purpose of packaging bread;

"plastic film" means a thin, unwoven membraneous skin or layer of flexible material made of polymers of ethylene or propylene and combinations thereof; and

"trade" means the sale of plastic bags to any person, including but not limited to manufacturers, wholesalers and retailers of goods, for use in the Republic of South Africa.

Prohibition of certain plastic bags

2. (1) The manufacture, trade and commercial distribution of plastic bags, made of plastic film, for use within the Republic of South Africa, with a wall thickness of less than 80 micrometres is hereby prohibited.

(2) Notwithstanding subsection (1), plastic bags, made of plastic film, with a wall thickness of between 30 and 80 micrometres may be manufactured, traded and commercially distributed, for use within the Republic of South Africa, provided they do not, unless required by law, have printing, painting or marks of any kind.

(3) Notwithstanding subsection (1), bread bags, made of plastic film, with a wall thickness of between 25 and 80 micrometres may be manufactured, traded and commercially distributed, for use within the Republic of South Africa, if they do not, unless required by law, have printing, painting or marks of any kind.

(4) The prohibition contemplated in subsection (1) will not apply to shrinklene and flimsy bread bags made of plastic film.

Offences and penalties

3. (1) Any person who contravenes regulation 2 (1) shall be guilty of an offence and liable on conviction—

- (a) to a fine not exceeding R100 000; 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 any thing 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 liable on conviction to a fine not exceeding R250 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.

Commencement date

4. These regulations come into effect one year from the date of publication of this notice.

EXPLANATORY MEMORANDUM

The collection and disposal of plastic bags is a growing waste problem in South Africa. The use of plastic bags made of thin plastic film has increased significantly in recent years. The discarding of large numbers of bags results in the degradation of the environment. This non-reusable bags are indiscriminately dumped and not collected for recycling or disposal because the thin plastic film they are made of has little commercial value, either as a cost to the consumer, or a raw material for recyclers. The problem is severe in low-income areas where waste collection services are inadequate.

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