

10 Annexure A – The Proposed Regulations

The proposed Plastic Bag Regulations were published in the Government Gazette of 19 May 2000 (No. 21203, GN 1994 of 2000) for public comment. The text of the regulations and the accompanying explanatory memorandum were published by Government as follows.

NOTICE 1994 OF 2000

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

PROPOSED REGULATIONS UNDER SECTION 24 OF THE ENVIRONMENT CONSERVATION ACT
(ACT NO. 73 OF 1989)

The Minister of Environmental Affairs and Tourism intends making regulations under Section 24(1) (a) and (k) of the Environment Conservation Act (Act No. 73 of 1989) as set out in the Schedule hereto. Interested Parties are requested to submit comments in connection with the proposed regulations within 3 months from the date of publication of this notice. Comments must be submitted to the Director-General, Department of Environmental Affairs and Tourism, Private Bag X447, Pretoria 0001.

All correspondence should be clearly marked for the attention of the Director: Integrated Pollution Prevention and Waste Management, Telephone (012) 310-3654; Fax (012) 322 1167; e-mail wscott@ozone.pwv.gov.za.

DR CRISPIAN OLVER

DIRECTOR-GENERAL: ENVIRONMENTAL AFFAIRS AND TOURISM

SCHEDULE

PLASTIC BAG REGULATIONS

1. Definition

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

- 1.1 "carry bag" means a plastic bag or a plastic packet which is distributed to a consumer.
- 1.2 "distribute" means making carry bags directly or indirectly available and without charge to consumers for the packaging or carrying of goods purchased by consumers and "distribution" has a corresponding meaning.
- 1.3 "supply" means distribution of or trading in carry bags.
- 1.4 "trading" means the sale of carry bags as a commodity to any person (including but not limited to manufacturers, wholesalers or retailers of goods).

2. Prohibition on the supply of carry bags

- 2.1 With effect from 1 January 2001, no person may supply carry bags of a thickness of less than 30 microns.
- 2.2 With effect from 1 June 2001 no person may supply carry bags of a thickness of less than 80 microns.

3. Offences and penalties

Any person who contravenes any provision of these regulations is guilty of an offence and liable on a first conviction to a fine not exceeding R10 000 or imprisonment for a period not exceeding one year or to both such fine and such imprisonment, and in the case of a second or subsequent conviction to a fine not exceeding R100 000 or to imprisonment not exceeding ten years or to both such fine and such imprisonment.

EXPLANATORY MEMORANDUM

The collection and disposal of plastic bags is a growing problem in South Africa. The use and free availability of plastic bags has increased significantly in recent years and large amounts of bags have resulted in pollution and degradation of the environment. Thin non-reusable bags are indiscriminately dumped and not collected for recycling or disposal since they have little commercial value. The problem is severe in low-income areas where waste collection services are inadequate. The aim of the regulations is to restrict the production of non-reusable plastic shopping bags and to promote re-use and recycling.