

2019-03-21

OBJECTS AND REASONS

This Bill would

- (a)* provide for the prohibition on the importation, manufacture and retail of certain types of disposable plastics;
- (b)* authorise the use of certain types of disposable plastics; and
- (c)* provide for related matters.

Arrangement of Sections

1. Short title
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5. Prohibition on importation or manufacture of petro-based plastic bags
6. Exemption for certain plastic bags, plastic wraps or disposable polystyrene containers
7. Licence for the importation
8. Standards issued by Barbados National Standards Institute
9. Offence of misrepresentation
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11. Schedules
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FIRST SCHEDULE

LIST OF EXEMPTED PLASTIC BAGS AND DISPOSABLE
POLYSTYRENE CONTAINERS

SECOND SCHEDULE

APPLICATION FOR A LICENCE TO IMPORT ENVIRONMENTALLY
FRIENDLY PRODUCTS

THIRD SCHEDULE

LICENCE FEE

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LICENCE

FIFTH SCHEDULE

CONSTITUTION AND PROCEDURE

BARBADOS

A Bill entitled

An Act to make provision for a prohibition on the importation, manufacture, retail of certain disposable plastics, authorise the use of certain types of disposable plastics and provide for related matters.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Control of Disposable Plastics Act, 2019*.

Definitions

2. For the purposes of this Act,

“disposable plastic containers” means containers **made partially or totally of petroleum based resins and intended to be used only once and then discarded;**

“exempted plastic bag” means a plastic bag listed in the *First Schedule*;

“environmentally **sustainable**” means **a material that is made from a biological based resource and that is compostable in a facility or garden;**

“**Minister**” means **the Minister responsible for Maritime Affairs and the Blue Economy;**

“plastic” **means a synthetic material that is made of a range of polymers;**

“petro-based plastic bag” **means a bag made of a petroleum based resin;**

“single use plastic containers” means any of the following disposable containers made of plastic or **polystyrene**:

(a) cups;

(b) food containers;

(c) egg trays;

(d) plates; or

(e) **polystyrene** containers used in the culinary retail industry;

“single use plastic cutlery” means **petroleum based** plastic cutlery of a disposable nature and includes beverage stirrers and straws composed of **petroleum based** resins.

Application

3. The provisions of this Act shall not apply to any plastic beverage container referred to in the *Returnable Containers Act*, Cap. 395A

Prohibition

4.(1) With effect from the 1st day of April, 2019 no person shall import

- (a) disposable plastic containers;
- (b) single use plastic containers;
- (c) single use plastic cutlery.

(2) With effect from the 1st day of July, 2019 no person shall distribute, offer for sale, sell or use

- (a) disposable plastic containers;
- (b) single use plastic containers;
- (c) single use plastic cutlery.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both and in the case of a continuing offence, to a further fine of \$1 000 for each day or part thereof, during which the offence continues after which a conviction is first obtained.

Prohibition on importation or manufacture of petro-based plastic bags

5. Subject to section 6, with effect from the 1st day of January, 2020 no person shall **import or** manufacture any petro-based plastic bag.

Exemption for certain plastic bags, plastic wraps or disposable polystyrene containers

6. A person may manufacture, import, distribute, offer for sale, sell or use any petro-based plastic bag, **plastic wrap** or **polystyrene** container which is required for a purpose specified in the *First Schedule*.

Licence for the importation

7.(1) **With effect from the 1st of July, 2019** no person shall import, sell or use any disposable plastic container, any single use plastic container or any single use plastic cutlery that is labelled or marketed as “**environmentally sustainable**” unless that person has first applied for and obtained a licence under this Act.

(2) An application for a licence made pursuant to subsection (1) shall be in the form set out in the *Second Schedule* and shall be accompanied by the licence fee set out in the *Third Schedule*.

(3) The Minister may, on receipt of an application made pursuant to subsection (1) and after consultation with the Barbados National Standards Institute, grant a licence for the importation of any disposable plastic container, single use plastic container or **single use plastic cutlery** referred to in subsection (1).

(4) A licence granted pursuant to subsection (3) shall be in the form set out in the *Fourth Schedule* and is not transferable.

(5) Any person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both and in the case of a continuing offence, to a further fine of \$1 000 for each day or part thereof, during which the offence continues after which a conviction is first obtained.

Standards issued by Barbados National Standards Institute

8. The Barbados National Standards Institute shall issue standards that govern the importation of disposable plastic containers, single use plastic containers or single use plastic cutlery that are “**environmentally sustainable**”.

Offence of misrepresentation

9.(1) A person who makes a false or misleading claim or statement and represents that the disposable plastic containers, single use plastic containers or single use plastic cutlery that are imported **or** offered for sale by him are “**environmentally sustainable**” is guilty of an offence.

(2) A manufacturer, wholesaler or retailer who makes a false or misleading claim or statement and represents that the disposable plastic containers, single use plastic containers or single use plastic cutlery imported, offered for sale, manufactured or distributed by him are “**environmentally sustainable**” is guilty of an offence.

(3) A person who contravenes subsection (1) or (2) is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of one year or to both, and in the case of a continuing offence to a further fine of \$1 000 for each day or part thereof during which the offence continues after which a conviction is first obtained.

Committee

10.(1) There is established a Committee to

- (a) address, monitor and develop plastic pollution prevention programmes; and
- (b) formulate and implement strategies and programmes to educate the public on the pollution created by plastics.

(2) The *Fifth Schedule* has effect with respect to the constitution and procedure of the Committee.

Schedules

11. The Minister may, by order, amend the *Schedules*.

Regulations

12. The Minister may make regulations
- (a) for the conservation, management and protection of the environment from pollution by plastics;
 - (b) for prescribing any required fees and forms; or
 - (c) for giving effect to the purposes and provisions of this Act.

Commencement

13. This Act shall come into force on the 1st day of April, 2019.

FIRST SCHEDULE

(Sections 2, 6)

**LIST OF EXEMPTED PLASTIC BAGS AND DISPOSABLE
POLYSTYRENE CONTAINERS**

Any item that is

- (a)* a plastic bag designed for, **packaged** and **retailed** specifically for the disposal of waste from households, public places, business places, offices or industrial plants;
- (b)* a plastic bag or disposable **polystyrene** container or item for pharmaceutical dispensing or any other medical use;
- (c)* a plastic bag or plastic wrap designed for storage of agricultural products;
- (d)* a plastic bag manufactured for export;
- (e)* a plastic bag or plastic wrap used for perishables or the preservation of food;
- (f)* **a plastic straw attached to a small tetra pak box;**
- (g)* **a tray made of polystyrene used for the packaging of fresh meat.**

SECOND SCHEDULE

(Section 7(2))



Control of Disposable Plastics Act, 2019
(Act 2019-)

APPLICATION FOR IMPORT LICENCE

- 1 Full name of Applicant:_____
2. Business address of Applicant:_____
3. Occupation:_____
4. Product description:_____
5. Composition of product:_____
6. Date of application:_____

Signature of Applicant

N.B.: It is an offence under this Act to give particulars that are not correct.

THIRD SCHEDULE

(Section 7(2))

LICENCE FEE

Fee for the import licence	\$25.00
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FOURTH SCHEDULE

(Section 7(4))



Control of Disposable Plastics Act, 2019
(Act 2019-)

LICENCE

Licence Number:

This licence is granted to _____ of
Name of Applicant
_____ for the
Business Address
purpose of importing disposable plastic containers, single use plastic containers or single use
plastic cutlery labelled or marketed as “environmentally **sustainable**”.

This licence expires on _____ day of _____, 20____.

Dated this _____ day of _____, 20 ____

Minister Responsible for Maritime Affairs and the
Blue Economy

FIFTH SCHEDULE

(Section 10)

CONSTITUTION AND PROCEDURE

- 1.(1) The Committee shall consist of no more than 8 members appointed by the Minister by an instrument in writing.
- (2) Each member of the Committee shall have technical knowledge and experience in relation to environmental protection issues or be a member of civil society who demonstrates a special interest in protecting the environment.
2. A member of the Committee appointed under paragraph 1(1) shall have tenure of no more than 3 years.
3. The names of all the members of the Committee as first constituted and every change in the membership shall be published in the *Official Gazette*.
4. No remuneration shall be payable to the members of the Committee except with the approval of the Cabinet.
5. A member of the Committee may resign by a letter in writing sent to the Minister.
6. The Committee shall regulate its own proceedings.
7. The Committee shall meet at such times and places as may be necessary or expedient for the transaction of its business.
8. Minutes in the proper form of each meeting of the Committee shall be kept by the Secretary of the Committee.

Read three times and passed the House of Assembly this
day of _____, 2019.

Speaker

Read three times and passed the Senate this _____ day of
, 2019.

President

CONTROL OF DISPOSABLE PLASTICS BILL, 2019

EXPLANATORY MEMORANDUM

The *Control of Disposable Plastics Bill, 2019* would make provision for a prohibition on the importation, manufacture, retail of certain disposable plastics and authorise the use of certain types of disposable plastics in Barbados.

- Clause 1:** provides for the short title.
- Clause 2:** defines the terms used in the legislation.
- Clause 3:** provides for the limitation on the application of the Act.
- Clause 4:** details the prohibitions and the effective dates.
- Clause 5:** provides for the prohibition on the importation or manufacture of petro-based plastic bags.
- Clause 6:** provides for the exemption for certain plastic bags, plastic wraps or disposable plastics listed in the *First Schedule*.
- Clause 7:** provides for the requirement of a licence to import, sell or use any disposable plastic container, single use plastic container or single use plastic cutlery labelled or marketed as environmentally sustainable. It also provides for the procedure for obtaining a licence under the Act. The licence fee payable which is set out in the *Third Schedule*.
- Clause 8:** provides for the Barbados National Standards Institute to be the agency issuing the standards for any disposable plastic container, single use plastic container or single use plastic cutlery to be imported in Barbados.

CONTROL OF DISPOSABLE
PLASTICS BILL, 2019

- Clause 9:** provides for the offence of misrepresentation in relation to any misleading claim or statement made about any disposable plastic container, single use plastic container and single use cutlery imported or offered for sale as environmentally sustainable.
- Clause 10:** provides for the establishment of a Committee, the constitution and procedure of which is set out in the *Fifth Schedule*.
- Clause 11:** provides for the Minister to amend the *Schedules*.
- Clause 12:** empowers the Minister to make regulations.
- Clause 13:** provides for the commencement of the legislation.