

Government Notice (Rodrigues Regional Assembly) No. 1 of 2019

**RODRIGUES REGIONAL ASSEMBLY (BANNING OF
DISPOSABLE PLASTIC FOOD ITEMS)
REGULATIONS 2019**

**Regulations made by the Rodrigues Regional Assembly
under section 92 of the Environment Protection Act,
after consultation with the Rodrigues
Environment Committee**

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1. Short title

These regulations may be cited as the Rodrigues Regional Assembly (Banning of Disposable Plastic Food Items) Regulations 2019.

2. Interpretation

In these regulations –

“authorised officer” means an enforcement officer of the Rodrigues Environment Unit, a public officer authorised

in writing for the purpose of these regulations by the Departmental Head, a Customs officer or a police officer;

“Commission” means the Commission responsible for the subject of environment;

“Commissioner” means the Commissioner to whom responsibility for the subject of environment is assigned;

“Departmental Head” means the Departmental Head of the Commission;

“disposable plastic food item” –

(a) means any item specified in the Schedule which are manufactured from petroleum-based materials or their derivatives; but

(b) does not include –

(i) products made entirely of aluminium, paper or wood;

(ii) packaging, polystyrene foam coolers and ice chests used for the storage or transportation of foods or beverages and which may be used anew;

(iii) plastic and polyethylene terephthalate (PET) bottles;

“distribute” means to make a disposable plastic food item directly or indirectly available to a person, whether free of charge or not;

“import” means to bring or cause to be brought within the Island of Rodrigues;

“polystyrene” means a synthetic resin made from polymerizing styrene;

“stockpile” means to store for the purpose of trade or distribution.

3. Prohibition

No person shall –

- (a) sell, offer for sale or distribute;
- (b) stockpile, manufacture or import,

any disposable plastic food item.

4. Certificate of conformity

(1) The Commission shall not clear any imported consignment of disposable plastic food items unless there is a certificate of conformity in respect of that consignment.

(2) A certificate of conformity shall –

- (a) be in English or French language;
- (b) specify the make of, the origin of, and the materials used to manufacture, the disposable plastic food items; and
- (c) certify that the disposable plastic food items have been manufactured from materials other than petroleum-based materials and their derivatives.

(3) The Commission may –

- (a) verify the validity and reliability of the certificate of conformity provided;
- (b) notwithstanding the certificate of conformity, cause a sample of the disposable plastic food items to be tested or analysed.

(4) The Commission shall, in case –

- (a) there is no certificate of conformity in respect of the consignment of disposable plastic food items;

- (b) the certificate of conformity certifies that the disposable plastic food items have been manufactured from petroleum-based materials or their derivatives; or
- (c) it is proved that, after testing or analysis, the disposable plastic food items have been manufactured from petroleum-based materials or their derivatives,

detain, subject to regulation 7, the disposable plastic food items.

5. Powers of entry, search and seizure

Subject to regulation 6, an authorised officer may, at any reasonable time, enter and search any trading premises or store for the purpose of seizing any disposable plastic food items which have been exposed or offered for sale or stockpiled.

6. Warrant

(1) A Magistrate may issue a warrant authorising the authorised officer to exercise the power conferred to him under regulation 5 on being satisfied that he –

- (a) shall exercise such power; or
- (b) has reasonable suspicion that an offence has been or is being committed under these regulations.

(2) A warrant issued under paragraph (1) shall be valid for the period stated in the warrant.

7. Offences and penalties

(1) Any person who contravenes regulation 3(a) shall commit an offence and –

- (a) shall, on a first conviction, be liable to a fine not exceeding 3,000 rupees;

(b) shall, on a second or any subsequent conviction, be liable to a fine of 5,000 rupees and to imprisonment for a term not exceeding 6 months.

(2) Any person who contravenes regulation 3(b) shall commit an offence and –

(a) shall, on a first conviction, be liable to a fine not exceeding 5,000 rupees;

(b) shall, on a second or any subsequent conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

(3) Where a person is convicted for an offence under regulation 3, the Court shall, in addition to any penalty imposed, order the forfeiture of any disposable plastic food items in respect of which the offence was committed.

8. Transitional provision

Every person who, on the coming into operation of these regulations, possesses any disposable plastic food items shall, not later than 6 months of the coming into operation of these regulations, remit those items to the Departmental Head.

9. Commencement

These regulations shall come into operation on a date which the Commissioner shall fix and announce by means of a public notice.

Made by the Rodrigues Regional Assembly, after consultation with the Rodrigues Environment Committee, on 25 June 2019.

SCHEDULE
[Regulation 2]

DISPOSABLE PLASTIC FOOD ITEMS

1. Plate
 2. Cup
 3. Bowl
 4. Tray
 5. Hinged or lidded container
 6. Straw
 7. Stirrer
 8. Lid plug
 9. Lid
 10. Fork
 11. Knife
 12. Spoon
 13. Napkin
 14. Cocktail stick
 15. Saucer
 16. Splash stick
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