

Rodrigues regional assembly (prohibition of use of plastic bags) regulations 2014

RodriguesGN No. 2 of 2014

THE RODRIGUES REGIONAL ASSEMBLY ACT

Regulations made by the Rodrigues Regional Assembly under section 75B(1)(b) of the Constitution, section 31 of the Rodrigues Regional Assembly Act and section 92(1) of the Environment Protection Act, after consultation with the Rodrigues Environment Committee

ARRANGEMENT OF REGULATIONS

Regulation

1. Short title
2. Interpretation
3. Prohibition
4. Exemption
5. Power of entry, search and seizure
6. Warrant
7. Offences
8. Transitional provision
9. Commencement

1. Short title

These regulations may be cited as the **Rodrigues Regional Assembly (Prohibition of Use of Plastic Bags) Regulations 2014.**

2. Interpretation

In these regulations —

“authorised officer” means an enforcement officer of the Unit, a tourism enforcement officer, a fisheries officer, a forest officer, 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;

“distribute” has the same meaning as in the Environment Protection (Plastic Carry Bags) Regulations 2004;

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

“plastic carry bag” has the same meaning as in the Environment Protection (Plastic Carry Bags) Regulations 2004;

-

“pocket-type plastic bag” means a rectangular or tubular carry bag of varying size and colour used by a trader for the sale, packing or distribution of goods;

“sell” includes —

- (a) to hawk; and
- (b) to convey or consign for the purpose of sale;

“stockpile” has the same meaning as in the Environment Protection (Plastic Carry Bags) Regulations 2004;

“Unit” means the Rodrigues Environment Unit;

“vest-type carrier bag” has the same meaning as in the Environment Protection (Plastic Carry Bags) Regulations 2004.

3. Prohibition

Subject to regulation 4, no person shall —

- (a) possess or use;
- (b) distribute or sell; or
- (c) manufacture, import or stockpile,

a plastic carry bag, or a pocket-type plastic bag, of any size or colour.

4. Exemption

- (1) Any person may, for the purpose of packing local products, apply to the Departmental Head for an authorisation to use or import an approved pocket-type plastic bag.
- (2) An application under paragraph (1) shall be made in such form as may be approved.

5. Power of entry, search and seizure

Subject to regulation 6, an authorised officer may at any time enter and search any trading premises or store for the purpose of—

- (a) carrying out any lawful direction given to him by the Departmental Head or the Commissioner; or
- (b) seizing a plastic bag which has been stockpiled.

6. Warrant

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

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

7. Offences

(1) Any person who contravenes regulation 3(a) shall commit an offence and shall, on conviction, be liable to a fine which shall —

- (a) in the case of a first offence, not exceed 500 rupees;
- (b) in the case of a second or subsequent offence, not exceed 1,000 rupees.

(2) Any person who contravenes regulation 3(b) shall commit an offence and shall, on conviction, be liable to a fine which shall —

- (a) in the case of a first offence, not exceed 2,000 rupees;
- (b) in the case of a second offence, not exceed 5,000 rupees;
- (c) in the case of a third or subsequent offence, not exceed 10,000 rupees.

(3) Any person who contravenes regulation 3(c) shall commit an offence and shall, on conviction, be liable to a fine which shall —

- (a) in the case of a first offence, not exceed 5,000 rupees;
- (b) in the case of a second offence, not exceed 10,000 rupees;
- (c) in the case of a third or subsequent offence, not exceed 10,000 rupees and a term of imprisonment not exceeding 3 months.

(4) Where a person is convicted of an offence under regulation 3, the Court shall, in addition to any penalty imposed, order the forfeiture of any plastic bag in respect of which the offence was committed and which was produced in the proceedings.

8. Transitional provision

Every person who, on the coming into operation of these regulations, possesses any plastic carry bag or pocket-type plastic bag for the purpose of use, sale or distribution shall forthwith remit the bag 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.