

WASTE MANAGEMENT ACT
(Cap. 65:06)

WASTE MANAGEMENT (PLASTIC CARRIER BAGS AND PLASTIC
FLAT BAGS PROHIBITION), REGULATIONS, 2018
(Published on 1st June, 2018)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation and commencement
2. Interpretation
3. Prohibition of certain plastic carrier bags and flat bags
4. Power to confiscate
5. Offences and penalties

IN EXERCISE of the powers conferred on the Minister of Environment, Natural Resources Conversation and Tourism by section 55 of the Waste Management Act, and after consultation with the Minister responsible for health, the following Regulations are hereby made —

Citation and commencement

1. These Regulations may be cited as Waste Management (Plastic Carrier Bags and Plastic Flat Bags Prohibition) Regulations, 2018 and shall come into operation on 1st November, 2018.

Interpretation

2. In these Regulations, unless the context otherwise requires —
“authorised officer” has the meaning assigned to it under section 2 of the Act;
“barrier bag” means a thin or flimsy plastic bag used to separate products at the final point of sale, for health and hygiene purposes;
“bread bag” means —
(a) a flimsy plastic bag with a wall thickness between 5 and 10 micrometres, which is designed for the purpose of packaging bread;
(b) a shrinklene plastic 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; or
(c) a plastic bag, which is wicketed, with a wall thickness between 25 and 30 micrometres, which is designed for the purpose of packaging bread;
“commercial distribution” means the practice of making plastic bags directly or indirectly available for packaging or carrying of goods;
“plastic bin liner” means a plastic bag used for lining a refuse bin or refuse receptacle;
“plastic carrier bag” means a plastic bag constructed with handles, with or without gussets, which is designed for the general purpose of carrying goods;
“plastic flat bag” means a plastic bag constructed without handles and gussets, which is designed for the general purpose of carrying goods;
“plastic refuse bag” means a plastic bag which is designed for the general purpose of carrying waste;
“primary packaging” means packaging that is in direct contact with the product, and the purpose of which is to contain the product during transport or handling to the point of distribution or use; and

“trade” means the sale of plastic bags to any person including, but not limited to, manufactures, wholesalers and retailers of goods, for use in Botswana.

3. (1) A person who manufactures, trades, imports, possesses or for commercial purposes distributes a plastic carrier bag or plastic flat bag, for use in Botswana, commits an offence.

Prohibition of certain plastic bags and flat bags

(2) The prohibition in subregulation (1) shall not apply to —

- (a) bread bag;
- (b) plastic bin liner;
- (c) barrier bag;
- (d) plastic refuse bag; and
- (e) primary packaging.

4. A police officer, authorised officer, Council environmental health officer, bye-law enforcement officer, port health officer or a customs officer shall confiscate any plastic carrier bag or plastic flat bag possessed in contravention of the provisions of these Regulations.

Power to confiscate

5. A person who contravenes these Regulations commits an offence and is liable —

Offences and penalties

- (a) for a first offence, to confiscation of the plastic carrier bag or plastic flat bag possessed in contravention of the provisions of these Regulations; and
- (b) for a second or subsequent offence, to a fine not exceeding P5 000 or to a term of imprisonment not exceeding 30 days; or to both.

MADE this 21st day of May, 2018.

T. KHAMA,
*Minister of Environment, Natural Resources
Conservation and Tourism.*