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GOVERNMENT NOTICE**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**

No. R. 518

9 April 2003**REPEAL OF REGULATIONS No R543 PUBLISHED IN GOVERNMENT GAZETTE No 23393 DATED 9 MAY 2002 IN TERMS OF THE ENVIRONMENTAL CONSERVATION ACT, 1989 (ACT NO. 73 OF 1989) (ECA)**

I, **Mohammed Valli Moosa**, in my capacity as Minister of Environmental Affairs and Tourism, hereby repeal the plastic bag regulations published under Government Notice No. 23393, dated 9 May 2002. as follows :

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. R. xxxx

2003**DRAFT REGULATIONS UNDER SECTION 24 (d) OF THE ENVIRONMENTAL CONSERVATION ACT (ACT No. 73 of 1989)**

The Minister of Environmental Affairs and Tourism hereby repeals Regulation No. R543 published in Government Gazette No 23393 dated 9 May 2002.

The Minister of Environmental Affairs and Tourism intends replacing the said regulations under section 24 (d) of the Environmental Conservation Act, 1989 (Act No. 73 of 1989) and publishes in the Schedule hereto draft Plastic Carrier Bags and Plastic Flat Bag regulations for comment under section 32 of the Act. Interested parties are invited to submit comments within thirty days of publication of this notice and submit these to the Chief Director: Environmental Quality and Protection, Department of Environmental Affairs and Tourism, Private Bag X447, Pretoria, 0001 or email them to jmatjila@ozone.pwv.gov.za

M V MOOSA**MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM**

SCHEDULE**PLASTIC CARRIER BAGS AND PLASTIC FLAT BAGS REGULATIONS****Definitions**

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

"commercial distribution" means making plastic bags directly or indirectly available for packaging or carrying goods

"plastic carrier bag" means a bag, made of "plastic film", with handles with or without gussets, having the properties specified in SANS Standard VC8087 referred to in Regulation 4 below and

"plastic flat bag" means bag, made of plastic film, without handles and with or without gussets, having the properties specified in SANS Standard VC8087 referred to in Regulation 4 below

"plastic film" means a continuous, thin, non-woven membraneous skin or layer of flexible material made of thermoplastic materials;

"trade" means the sale of plastic carrier bags and plastic flat bags to any person, including but not limited to manufacturers, wholesalers and retailers of goods, for use within the Republic of South Africa.

Prohibition of certain plastic bags

2. The manufacture, trade and commercial distribution of domestically produced and imported plastic carrier and flat bags, for use within the Republic of South Africa, other than those having the properties in Compulsory Specification VC8087, is hereby prohibited .

Offences and penalties

3. (1) Any person who contravenes regulation 2 shall be guilty of an offence and liable on conviction-
 - (a) to a fine not exceeding A1 00 000; or
 - (b) to imprisonment for a period not exceeding 10 years; or
 - (c) to both such a fine and such imprisonment; and
 - (d) to a fine not exceeding three times the commercial value of an thing in respect of which the offence was committed.

4. Any person convicted of an offence in terms of these regulations, and who after such conviction persists in the act or omission, which constituted such offence, shall be guilty of a continuing offence and liable on conviction to a fine not exceeding R250 or to imprisonment for a period not exceeding 20 days or to both such fine and such imprisonment in respect of every day on which such offence continues.

Commencement date

These regulations will come into effect on 9 May 2003.