

South Africa

National Environmental Management: Waste Act, 2008

Plastic Carrier Bags and Plastic Flat Bags Regulations, 2003

Government Notice R625 of 2003

Legislation as at 7 April 2021

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Plastic Carrier Bags and Plastic Flat Bags Regulations, 2003

Contents

1. Definitions	1
2. Prohibition of certain plastic bags	1
3. Offences and penalties	2
4. Commencement date	2

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[Amended by Amendment Regulations Regarding Plastic Carrier Bags and Plastic Flat Bags, 2021 (Government Notice 317 of 2021) on 7 April 2021]

The Minister of Environmental Affairs and Tourism has, under section 24 (d) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), made the regulations in the Schedule.

MV Moosa

Minister of Environmental Affairs and Tourism

1. 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) shall bear the meaning so assigned to it in that Act and, unless the context indicates otherwise:

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

"plastic carrier bag" means a bag, made of plastic film, with handles, with or without gussets, and which complies with paragraphs 4 and 5 of the Compulsory Specification;

"plastic flat bag" means a bag, made of plastic film, without handles, with or without gussets, and which complies with paragraphs 4 and 5 of the Compulsory Specification;

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

"post-consumer recycle" means material generated by households or commercial, industrial or institutional facilities, in their role as end-users of the product, which can no longer be used for its intended purpose, and includes returns of material from the distribution chain, as well as inhouse scrap that already contains post-consumer recycle content;

[definition of "post-consumer recycle" inserted by section 2 of Government Notice 317 of 2021]

"Compulsory Specification" means the Compulsory Specification for Plastic Carrier Bags and Flat Bags published in terms of the Standards Act, 1993 (Act No 29 of 1993);

"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.

2. Prohibition of certain plastic bags

- (1) The manufacture, trade or commercial distribution of domestically produced or imported plastic carrier bags and plastic flat bags, for use within the Republic of South Africa, other than those which comply with the Compulsory Specification for Plastic Carrier Bags and Flat Bags - VC 8087-2013, is hereby prohibited.

- (2) From the dates indicated in subregulation (3), no person may manufacture, trade or commercially distribute domestically produced or imported plastic carrier bags and plastic flat bags, for use within the Republic of South Africa, unless they comply with the minimum post-consumer recycle content specified in subregulation (3)
- (3)
 - (a) Plastic carrier bags and plastic flat bags must be made from a minimum of 50% post-consumer recycle from 1 January 2023;
 - (b) Plastic carrier bags and plastic flat bags must be made from a minimum of 75% post-consumer recycle from 1 January 2025; and
 - (c) Plastic carrier bags and plastic flat bags must be made from 100% post-consumer recycle from 01 January 2027.
- (4) A person who is unable to comply with the requirements contained in regulation 2(3)(c) may apply to the Minister for an exemption in terms of section 24M of the National Environmental Management Act, 1998 ([Act No. 107 of 1998](#)) read with the National Exemption Regulations promulgated in terms of section 44(1)(a) and section 24M(3) of the Act.

[regulation 2 substituted by section 3 of [Government Notice 317 of 2021](#)]

3. Offences and penalties

- (1) Any person who contravenes regulation 2 is guilty of an offence and liable on conviction, to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or in both instances, to both such fine and such imprisonment.

[subregulation (1) substituted by section 4 of [Government Notice 317 of 2021](#)]

- (2) 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 be liable, on conviction, to a fine 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.

4. Commencement date

These regulations will come into effect on 09 May 2003.