

TURKS AND CAICOS ISLANDS
PLASTIC AND OTHER SINGLE USE PRODUCTS (USE
AND WASTE MANAGEMENT) ORDINANCE 2019
(Ordinance 12 of 2019)

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TURKS AND CAICOS ISLANDS
PLASTIC AND OTHER SINGLE USE PRODUCTS (USE
AND WASTE MANAGEMENT) ORDINANCE 2019

(Ordinance 12 of 2019)

Assent.....3rd April 2019

Publication in Gazette.....5th April 2019

Commencement..... in accordance with section 1

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE USE AND FOR THE MANAGEMENT OF SINGLE USE PLASTIC BAGS AND OTHER SIMILAR SINGLE USE PRODUCTS IN THE ISLANDS AND FOR RELATED MATTERS

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title and commencement

1. This Ordinance may be cited as the Plastic and Other Single Use Products (Use and Waste Management) Ordinance 2019 and shall come into operation on publication in the *Gazette*.

Interpretation

2. In this Ordinance—

“Chief Environmental Health Officer” has the same meaning as provided in the Public and Environmental Health Ordinance;

“Department” means the Department of Public and Environmental Health;

“effective date” means the 1st day of May 2019;

“environmental health officer” means an officer appointed as an environmental health officer under the Public and Environmental Health Ordinance;

“Minister” means the Minister responsible for public and environmental health;

“other similar single use products” means any product which shall be prescribed by the Minister;

“retailer” means—

- (a) a boutique;
- (b) a food street vendor;
- (c) a restaurant;
- (d) a mobile food vendor
- (e) a shop;
- (f) a snackette;
- (g) a store;
- (h) a supermarket; or
- (i) any other type of establishment,

who sells goods in trade or commerce.

“single use plastic bag” means a bio-degradable or non-biodegradable plastic bag which—

- (a) is not designed and manufactured for multiple re-use;
- (b) has handles;
- (c) is made from non-compostable plastic; and
- (d) is distributed at the point of sale in retail trade, to carry out goods.

Prohibition

3. (1) A person shall not stock, distribute or sell any single use plastic bag in the Islands.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of \$5 000 or to imprisonment for six months or to both.

Retailer prohibition

4. (1) A retailer shall from the effective date not provide a single use plastic bag to a person at the point of sale to carry goods the retailer sells from his premises.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of \$20, 000 or to imprisonment for one year or to both.

(3) Where a person is convicted three times under subsection (2), the Supreme Court may on the third conviction,

and on an application by or on behalf of the Chief Environmental Health Officer, order that the business licence of the person be revoked.

Exemptions

5. Notwithstanding section 3 and 4 the following list of plastic bags are not prohibited in the Islands—

- (a) bags used to package produce and vegetables;
- (b) laundry or dry-cleaning bags;
- (c) newspaper bags;
- (d) bags used to contain or wrap fresh or frozen fish; meat or poultry;
- (e) bags used to wrap, hold or contain prescriptions, medical supplies and samples;
- (f) bags used to package baked goods;
- (g) bags used to package small hardware items;
- (h) bags used as primary packaging of prepared food, whether hot or cold;
- (i) bags used to package personal effects, and contained in the luggage of a person travelling into or out of the Islands;
- (j) bags used as garbage bags;
- (k) bags used as ice bags; or
- (l) any other plastic bag that the Minister may by Order exempt.

Alternative bags

6. (1) Nothing in this Ordinance prevents a retailer from charging for an alternative bag.

(2) For the purposes of this section, an alternative bag includes the following—

- (a) recycled or recyclable paper bags;
- (b) cloth bags;
- (c) straw bags;
- (d) baskets;
- (e) leather or its derivative; or
- (f) any other durable material suitable for continual reuse.

Control

7. (1) The importation of single use plastic bags and other similar single use products into the Islands shall be controlled by the Customs Department.

(2) The use, storage, sale, distribution and waste management of plastic bags and other similar single use products in the Islands shall be controlled by the Department.

Report

8. (1) The Chief Environmental Health Officer shall present a report to the Minister annually to report on the implementation activities and whether the objectives of the Ordinance is being met.

(2) The Minister shall lay the annual report at the next meeting of the House of Assembly.

(3) The House of Assembly shall assess the extent to which the Department has made progress towards achieving the objectives of this Ordinance.

(4) The Minister shall publish the annual report in the *Gazette* and at least two newspapers in national circulation and on the website, no later than forty days after the end of each financial year.

Inspection

9. (1) An environmental health officer may, at all reasonable times, for any purpose related to the administration or enforcement of this Ordinance and the regulations, examine any premises of a retailer, or any matter relating to a retailer, an examination of which may assist the environmental health officer in monitoring compliance with the requirements under the Ordinance and the regulations.

(2) For the purposes of subsection (1), the environmental health officer may require the owner or manager of the retailer's business and any other person at the time on the retailer's premises to give the environmental health officer all reasonable access and assistance and to answer all proper questions relating to the administration or enforcement of this Ordinance and the regulations.

(3) For the purposes of subsection (2), an environmental health officer may require the owner or manager to attend at the retailer's premises with the environmental health officer.

Regulations

10. (1) The Minister may make regulations for—

- (a)* the administration and enforcement of this Ordinance;
- (b)* prohibiting the stocking, distribution, sale or use of other similar single use products in the Islands;
- (c)* the establishment and administration of programs for the reduction or recovery of plastic and other similar single use products waste;
- (d)* establishing different classes of prohibited plastic and other similar single use products;
- (e)* designating materials and products that are subject to paragraph *(f)*, *(g)* and *(h)*;
- (f)* setting out the methods for the recovery of plastic and other similar single use products;
- (g)* establishing the manner in which a plastic or other similar single use products is to be received, processed, recycled or disposed;
- (h)* the establishment and operation of facilities to receive, collect, store, transport, process, recycle or dispose of plastic or other similar single use products; or
- (i)* any other matter that the Minister considers necessary for carrying out the purposes and provisions of this Ordinance.

(2) The Minister shall not make a regulation under subsection (1)(b), unless the draft has been laid before the House of Assembly and is approved by the House of Assembly.
