
S.I. Of 2017

ENVIRONMENT PROTECTION ACT, 2016

(Act 18 of 2016)

Environment Protection (Restriction on importation, distribution and sale of Plastic Utensils and Polystyrene Boxes) Regulations 2017

In exercise of the powers conferred by section 80 read in with section 4(d) and section 41(c) of the Environment Protection Act, 2016 the Minister responsible for Environment, Energy and Climate Change hereby makes the following Regulations.

Citation

1. These Regulations may be cited as the Environment Protection (Restriction on Importation, distribution and sale of Plastic Utensils and Polystyrene Boxes) Regulations 2017.

Interpretation

2. In these Regulations, unless the context otherwise requires-

“AS” means Australian Standard;

“ASTM” means the American Society for Testing and Materials;

“biodegradable boxes” means a takeaway food container that can be biologically broken down naturally by bacteria and other living organisms into natural elements in a normal environment leaving no toxicity in the soil.

“biodegradable utensils” means cutleries, food and drink containers that can be biologically broken down naturally by bacteria and other living organisms into natural elements in a normal environment leaving no toxicity in the soil;

“certificate of conformity” means a document, tag, label, or nameplate, provided on delivery to the buyer that attests the product compliance with standard;

“EN” means the European Standard;

“ISO” International Organisation for Standardisation;

“Ministry” means the Ministry responsible for Environment;

“plastic” means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, Polybutylene terephthalate;

“plastic utensil” includes fork, spoon, knives, plates, bowls, cups and trays made of plastic;

“Polystyrene” means a polymer made from the styrene monomer;

“Polystyrene boxes” includes takeaway box used for containing food;

“Seychelles Bureau of Standards” means the Bureau established under section 3 of the Seychelles Bureau of Standard Act, 2014;

“standards” means the applicable standards specified in the Schedule;

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“validation” means confirmation through the provision of objective evidence, that the specified requirements has been fulfilled.

3. The manufacturing, importation, distribution of plastic utensils and Polystyrene boxes for use within the Republic of Seychelles is hereby prohibited.

Clearance of existing stock

4. (1) The Ministry responsible for Finance and Trade, subject to the approval of the Ministry responsible for environment may issue import permits for the importation of-

Issue or permits

(a) Biodegradable utensils; or

(b) Biodegradable boxes.

(2) Subject to subsection (1), upon submitting an import permit application the importer shall submit a certificate of conformity which shall stipulate the standard to which it is compliant to.

(3) The Seychelles Bureau of Standards shall be designated by the Ministry as the responsible body to undertake the validation of the certificate of conformity.

(4) Subject to subsection (2) an application to import shall not be granted if the certificate of conformity is not validated by the Seychelles Bureau of Standards.

5. (1) Any person who contravenes these Regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding SCR20,000 or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

Offences

(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 shall be liable, to a further fine of SCR2,000 for each day during which the offence is so continued.

(3) Where an offence in terms of these Regulations is continued beyond a period of one year after conviction by the person so convicted, the person shall be guilty of an offence and shall be liable on conviction to a further imprisonment for a term not exceeding two years.

Import in
breach of
regulation

6. Where a consignment of plastic utensil or polystyrene box has been imported in breach of these regulations, the consignment shall be handled in line with Section 246 (1)(b) or 247(1) of the Customs Management Act 2011.

SCHEDULE

STANDARDS

ITEM	APPLICABLE STANDARDS
Biodegradable boxes	AS 4736-2006
	ASTM D6400
	EN 13432
	ISO 14855
Biodegradable utensils	AS 4736-2006
	ASTM D6400
	EN 13432
	ISO 14855

MADE this day of 2017.

DIDIER DOGLEY
MINISTRY OF ENVIRONMENT, ENERGY & CLIMATE CHANGE