



Tuvalu

**WASTE MANAGEMENT (PROHIBITION
ON THE IMPORTATION OF SINGLE-USE
PLASTIC) (AMENDMENT) REGULATION
2020**



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WASTE MANAGEMENT (PROHIBITION ON THE IMPORTATION OF SINGLE-USE PLASTIC) (AMENDMENT) REGULATION 2020

LN 94 of 2020

MADE UNDER SECTION 11(1) OF THE WASTE MANAGEMENT ACT
2017

Commencement [1 December 2020]

1 Citation

This Regulation may be cited as the Waste Management (Prohibition on the Importation of Single-Use Plastic) (Amendment) Regulation 2020.

2 Amendment to Section 2

Section 2 is amended to read as:

“This Regulation shall have a grace period from 1 August 2019 to 30 November 2020 and shall come into effect on 1 December 2020”

3 Amendment to Section 3

Section 3 is amended to include the following:

“**individual**” means a person or a non-profitable group

“**border control officers**” means officer(s) of the Department of Customs or any other officer that is responsible for clearing goods into the country at entry ports”

“**corporation**” means an authorized organization or business that has more than five (5) employees. This also includes departments within the public and private sectors

“**plastic**” is amended to read as:

“means a synthetic material made from a wide range of organic polymers such as polyethylene, PVC, nylon, polyethylene terephthalate, polypropylene, polystyrene, expanded polystyrene and poly vinyl chloride that can be moulded into shape while soft then set into a rigid or slightly elastic form whether or not it is designed to degrade in a particular way”

“**single-use plastic**” is amended to read as:

“refers to plastics listed under subsection 5(1) and Schedule 1”

“**small business**” means a privately owned business or sole proprietorship that has less than five (5) employees.

4 Amendment to Section 4

Section 4 is amended to read as:

“The purpose of this regulation is to prohibit the importation, use, sale or distribution of any or all of the following single-use plastic”

5 Amendment to Section 5

Section 5(1) is amended to read as:

“A person must not import, use, manufacture, sell or distribute any or all of the following single-use plastic”

Section 5(1) (a) is amended to read as:

“but does not include:

(iii) clear plastic rolls for packaging of potatoes, onions and other spices”

Section 5(1) is amended to include:

“(1A) The importation of any item listed in Schedule 1 is strictly prohibited.

(1) Exceptions are:

- (a) bottles and packaging products for export purposes;
- (b) garbage bags specifically for disposal of waste.”

6 Enforcement Officers and Powers

- (1) To maintain transparency with individuals, corporations and small businesses.
- (2) To check, count and verify banned items in Schedule 1 in all individuals, corporations and small businesses.

7 Penalty Notices

Any individual, corporation or small business that breaches this Regulation shall be fined on the spot as specified in Schedule 2.

SCHEDULE 1
BANNED ITEMS

	Items
1	Shopping Bag
2	Plastic water bottles and plastic beverage bottles less than 1.5 litres
3	Plastic water pouches and plastic bags used to produce ice-blocks
4	Plastic straws
5	Single-use plastic and polystyrene plates, cups and take-away containers
6	Single-use plastic cutlery
7	Plastic cling film glad wrap
8	Plastic sheet used for spreading on dining table
9	Plastic flags

SCHEDULE 2
PENALTY NOTICE OFFENCES

INDIVIDUALS	
COLUMN A	COLUMN B
Importing banned plastics	\$100
Distributing banned plastics	\$100
Using banned plastics	\$100
Failure to disclose banned plastics at the borders	\$100
Failure to disclose correct plastic stocks during stock taking	\$50
Providing false information at the borders	\$100
Interfering with work of enforcement officers	\$50

CORPORATIONS	
COLUMN A	COLUMN B
Importing banned plastics	\$400
Distributing banned plastics	\$400
Using banned plastics	\$400
Failure to disclose banned plastics at the borders	\$400
Failure to disclose correct plastic stocks during stock taking	\$300
Providing false information at the borders	\$400
Interfering with work of enforcement officers	\$300
Border control officers unlawfully allowing banned plastics to be cleared	\$400

SCHEDULE 3

PENALTY NOTICE FORM

Date:

To:

of:

You have been found to have committed the following offence(s) under the Waste Management (Prohibition on the Importation of Single-Use Plastic) Amendment Regulation 2020 (marked with a “√”)

Indicate offence with √	Penalty Notice Offences for Individuals	Penalty to be paid
	Importing banned plastics	\$100
	Distributing banned plastics	\$100
	Using banned plastics	\$100
	Failure to disclose banned plastics at the borders	\$100
	Failure to disclose correct plastic stocks during stock taking	\$50
	Providing false information at the borders	\$100
	Interfering with work of enforcement officers	\$50

Indicate offence with √	Penalty Notice Offences for Corporations	Penalty to be paid
	Importing banned plastics	\$400
	Distributing banned plastics	\$400
	Using banned plastics	\$400
	Failure to disclose banned plastics at the borders	\$400
	Failure to disclose correct plastic stocks during stock taking	\$300
	Providing false information at the borders	\$400
	Interfering with work of enforcement officers	\$300
	Border control officers unlawfully allowing banned plastics to be cleared	\$400

The indicated penalty in the above tables applies to this offence. You may sign the declaration below and that this notice together with the sum of \$_____ to pay fine to the *Cashier of the Government* within 28 days of today's date; OR if you wish to contest this fine a summons will be issued to you after 28 days and you will be required to attend a court and appear before a Magistrate.

Fill in below if a Court date has already been arranged for the hearing of this matter if the penalty is not paid.

You are required to appear at the Court on _____, on the _____ of _____, _____, if you fail to pay the penalty specified in this Notice.

DECLARATION: I _____ understand that I have a right to have this matter dealt with by a Court. However, instead of appearing in court I wish to pay the fine as set out in this Notice. I tender this Declaration and the fine set by this Penalty Notice.

Signed:

Dated:

Enforcement Officer:

Made under my hand this ____ day of November 2020.

HON. KATEPU LAOI

Minister of Local Government and Agriculture

Published at the Government Notice Board, this ____ day of November, 2020 at Funafuti.

DR. TAPUGAO FALEFOU

Secretary to Government