



*EXTRAORDINARY*

**OFFICIAL GAZETTE**

**THE BAHAMAS**

PUBLISHED BY AUTHORITY

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NASSAU

8<sup>th</sup> July, 2020

(A)

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**ENVIRONMENTAL PROTECTION (CONTROL OF PLASTIC  
POLLUTION) REGULATIONS, 2020**

**Arrangement of Regulations**

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## MINISTRY OF THE ENVIRONMENT & HOUSING

S.I. No. 106 of 2020

### ENVIRONMENTAL HEALTH SERVICES ACT (CHAPTER 232)

#### ENVIRONMENTAL HEALTH SERVICES (CONTROL OF PLASTIC POLLUTION) REGULATIONS, 2020

The Minister, in the exercise of powers conferred by section 17 of the Environmental Health Services Act (*Ch. 232*), makes the following Regulations —

#### 1. Citation.

These Regulations may be cited as the Environmental Health Services (Control of Plastic Pollution) Regulations 2020.

#### 2. Notice of non-compliance.

- (1) Where an environmental health officer, having inspected premises of a business pursuant to section 10 of the Environmental Protection (Control of Plastic Pollution) Act 2019, has reason to believe that the business has failed to comply with any provision of that Act, the officer may issue a notice of non-compliance as shown in the *Schedule*.
- (2) A notice issued pursuant to paragraph (1), shall specify —
  - (a) the nature of the non compliance; and
  - (b) the time period for which the non compliance must be remedied.

#### 3. Offences.

- (1) Any business who fails to comply with a notice issued under regulation 2, commits an offence and —
  - (a) shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding nine months or to both such fine and imprisonment; or

- (b) where the non-compliance is an offence under the Environmental Protection (Control of Plastic Pollution) Act, 2019, shall be liable to the penalty as provided in respect of that offence under that Act.
- (2) Where an offence referred to in these Regulations has been committed by a body corporate and is proved to have been with the consent or connivance of, or to be attributable to any neglect or default on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, such director, manager, secretary or other officer as well as the body corporate commits an offence and is liable to the penalty provided by this Act for that offence.
- (3) An environmental health officer shall issue a notice shown in the *Schedule* to a business who has committed an offence under paragraph (1).

#### **4. Compounding offenses.**

- (1) Any person who fails to carry out or contravenes any of the provisions of this Act or any regulations made thereunder commits an offense and where there is no specific penalty provided, is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding nine months or to both such fine and imprisonment, and in the case of a second or subsequent offense, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.
- (2) In the case of a continuing offense, the offender is liable to a further fine not exceeding five hundred dollars for each day that such offense continues after the day of conviction thereof, and in default of payment to imprisonment for a period not exceeding six months.

### **SCHEDULE**

The below outlines the prescribed form for the purposes of identifying and notifying a person in breach of this Act and outlining a time period to which a person has to become compliant.

#### **Form of Notice**

#### **ENVIRONMENTAL HEALTH SERVICES ACT (CH. 232)**

*Notice to discontinue breaches of the Environmental Protection (Control of Plastic Pollution) Act, 2019*

To: (Offender) ..... D.O.B: .....

Of: .....

Telephone (cell#) ..... (home#) ..... (work#) .....

Occupation: .....

Place of employment.....

Take Notice that I,.....

*(Name of Environmental Health Officer)*

have reason to believe that the offense of .....

has been committed by you on.....(Date) at

.....(Time) ..... at .....

.....(Location of offense).

Demand is hereby made that the non-compliance be remedied in (.....) days upon receipt of this notice. After such time, failure to comply will result in the issuance of a fine in accordance with the Environmental Protection Control of Plastic Pollution Act, 2019.

.....

*Signature of Environmental Health Officer*

.....

*Signature of Offender/Representative*

**Made this 8<sup>th</sup> day of July, 2020**

**Signed**

**ROMAULD FERREIRA**

**Minister Responsible for Environmental Health Services**