

BAN ON PLASTIC BAGS ORDER, 2015

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**NATIONAL ENVIRONMENT MANAGEMENT ACT, CAP 72:01 VOL XII
OF THE LAWS OF THE GAMBIA**

BAN ON PLASTIC BAGS ORDER, 2015

IN EXERCISE of powers conferred on the Chairman of the National Environment Management Council of the National Environment Agency by Section 63(1) of the National Environment Management Act, this Order is hereby made.

1. Citation and commencement

These Regulations may be cited as the Ban on Plastic Bags Order, 2015 and shall come into force on the 1st day of July 2015.

2. Interpretation

In this Order, unless the context otherwise requires -

"**Act**" means the National Environment Management Act, 1994;

[Cap 72:01]

"**Agency**" means the National Environment Agency established under the Act;

"**Council**" means the National Environment Management Council;

"**competent authorities**" include, The Gambia Police Force (GPF), Gambia Ports Authority (GPA), The Gambia Revenue Authority (Customs Department), The Gambia Standards Bureau, The Gambia Maritime Administration, Security Agencies or Services, Municipalities, Local Authorities and other necessary institutions authorized by the National Environment Management Council;

"**court**" means the Magistrates Court;

"**Chairman**" means the President of the Republic of The Gambia;

"**person**" includes an individual and a body corporate or unincorporated;

"**plastic bag**" means a synthetic industrial product with a low density composed of numerous chemical molecules, which is mostly used in the packaging of various products such as foods, water, produce, powders, ice, magazines, chemicals, wastes etc.

3. Administration of this Order

This Order shall be administered by the National Environment Agency.

4. Prohibition and ban of the use of plastic bags

A person who-

- (a) manufactures or imports;
- (b) uses; or
- (c) sells,

plastic bags in The Gambia, commits an offence.

5. Exceptional use of plastic packaging materials

(1) The Chairman shall issue a Notice in the gazette to establish a list of plastic packaging materials that may be used in exceptional cases in The Gambia.

(2) The list mentioned in subsection (1) may be updated from time to time as deemed necessary.

(3) An importer of packaging materials for exceptional use is responsible to return the waste to its source of origin or recycle it at his or her own cost.

6. Authorisation for exceptional use

(1) A person who requires plastic packaging for exceptional use shall apply for a written authorisation from the Agency with accompanied copies of relevant supporting official documents.

(2) The application shall indicate the reasons for the request and ways through which the person shall manage the plastic waste.

(3) The Agency shall provide a response to the application within sixteen working days.

7. Implementation

(1) Any competent authority may carry out such inspections as may be deemed necessary to implement this Order, in accordance with any law relating to the environment.

(2) A competent authority shall not carry out an inspection without written approval from the Agency.

(3) The Agency shall decide on a proposed inspection within sixteen working days.

(4) Where a competent authority deems it necessary to carry out approved inspections, the competent authority shall issue a notice of violation.

(5) The Agency may, in consultation with other competent authorities and institutions, make such orders as may be required for effective implementation of provisions of this Order.

8. Existing stock management

(1) As from the commencement of this Order, any plastic manufacturing plants shall be redirected to plastic recycling plants.

(2) All confiscated plastic bags and plastic wastes shall be sent to such plants to produce trash bags for waste collection.

9. Offences and penalties

(1) A person who contravenes this Order commits an offence and is liable on conviction, in the case of-

(a) a manufacturer or an importer, to a term of imprisonment of not less than six months but not more than twelve months or a fine not less than two hundred thousand dalasis but not more than five hundred thousand dalasis or both the fine and imprisonment;

(b) an individual who sells plastic bags, to a fine not less than two thousand dalasis but not more than five thousand dalasis; and

(c) an individual who uses plastic bags, to a fine not less than one thousand dalasis but not more than three thousand dalasis.

(2) All persons convicted under this Order shall be dispossessed of any available stock either in the form of raw materials or finished bags and those bags shall be taken to the appropriate store established, identified or recommended by the Agency.

(3) In case of repeated offenders, they shall be liable, on conviction to double the penalty provided in the first instance conviction.

MADE this..... day of2015.

**SHEIKH PROF. ALH. DR. YAHYA A.J.J. JAMMEH - BABILI
MANSA (G.M.R.G) PRESIDENT OF THE REPUBLIC OF THE
GAMBIA, AND CHAIRMAN OF THE NATIONAL ENVIRONMENT
MANAGEMENT COUNCIL**

Annex:

Schedules for exempted plastic packaging materials:

1. Plastic bags/packaging materials for ***clinical use*** in health facilities.
2. Plastic packaging materials whose uses are limited to storing, displaying, and shipping of ***perishable items*** such as:
 - i. fish
 - ii. meat
 - iii. milk products
 - iv. bread
 - v. biscuits/sweets
3. Plastic packaging materials for imported goods such as outfits, equipment and furniture that are wrapped in plastic materials for scuff protection and tear resistance during shipping/transportation.
4. Plastic for sealing currencies (bank notes) to avoid damage.
5. Trash bags for waste collection.
6. Pre-packaged imported goods such as sugar bags that are protected with plastic inside to avoid moisture.
7. Plastic materials for ***agricultural use***:
 - i. plastic containers for planting seedlings.
 - ii. plastic/polythene covers in greenhouses or net houses for controlled environment crop production, especially in agriculture research institutes.
 - iii. plastic rolls for mulching and weed suppression in gardens/farms.
 - iv. plastic packaging for fertilizer, pesticides and chemicals.
8. Thick plastic/polythene materials used in building construction and roofing.