

**ARRANGEMENT OF CLAUSES**

1. Short title
2. Interpretation
3. Application and designation of non-biodegradable products
4. Prohibition of production and importation of non-biodegradable products
5. Prohibition of sale or offer for sale of non-biodegradable products
6. Prohibition of sale of food in non-biodegradable products
7. Costs of storage and disposal of non-biodegradable products





GRENADA

**ACT NO. 9 OF 2018****I assent,**

CÉCILE E. F. LA GRENADE

*Governor-General.**1st August, 2018.*

AN ACT to regulate the use of non-biodegradable products.

*[ August 10th, 2018 ].*

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows—

**1.** This Act may be cited as the

Short title.

**NON-BIODEGRADABLE WASTE CONTROL ACT,**  
**2018.**

**2.** In this Act—

Interpretation.

“food” means any substance whether processed, semi-processed or raw, which is intended for human consumption or otherwise taken into the body to sustain life and to provide energy, in liquid or solid form and includes any other substances used as ingredients in the

preparation of food for any purpose but does not include cosmetics, tobacco or substances used only as drugs;

“food business” means any activity involving or relating to the production of food intended for human consumption whether or not the activity is carried on for profit;

“food premises” means any premises at which a food business is conducted, and includes—

- (a) a full-service restaurant;
- (b) a fast food restaurant;
- (c) a grocery store;
- (d) a supermarket;
- (e) a temporary structure, vehicle, watercraft, cart, tray or other similar device; and
- (f) a cafeteria,

whether owned publicly or privately;

“Minister” means the Minister with responsibility for the Environment;

“non-biodegradable product” means anything designated as a non-biodegradable product pursuant to section 3 (2).

Application  
and designation  
of non-  
biodegradable  
products.

**3.—(1)** This Act shall apply with respect to any product that the Minister designates as a non-biodegradable product pursuant to subsection (2).

(2) The Minister may by Order published in the *Gazette*, subject to affirmative resolution, prescribe anything as a non-biodegradable product for the purposes of this Act.

(3) An Order under subsection (2) shall set out in respect of the non-biodegradable product the following—

- (a) the commencement date for application of section 4 (1);
- (b) the commencement date for application of section 5 (1) which shall in no case be less than three months after the commencement date referred to under paragraph (a);
- (c) the commencement date for application of section 6 (1) which shall in no case be less than one month after the commencement date referred to under paragraph (b).

4.—(1) No person shall import or manufacture any non-biodegradable product.

Prohibition of production and importation of non-biodegradable products.

(2) Notwithstanding subsection (1), the Minister may by Order, subject to such terms and conditions as he or she may impose, authorise the importation or manufacture of any non-biodegradable product if he or she is satisfied that importation or manufacture of the product is in the public interest.

(3) Subject to subsection (2), a person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars.

(4) It is not a defence in a prosecution for an offence under subsection (3) that the defendant had no knowledge,

or no reasonable cause to believe, that the good in respect of which the offence was committed was a non-biodegradable product.

Prohibition of sale or offer for sale of non-biodegradable products.

**5.—**(1) No person shall sell or offer for sale any non-biodegradable product.

(2) Notwithstanding subsection (1), the Minister may by Order, subject to such terms and conditions as he or she may impose, authorise the sale of any non-biodegradable product if he or she is satisfied that sale of the product is in the public interest.

(3) Subject to subsection (2), a person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding four thousand five hundred dollars.

Prohibition of sale of food in non-biodegradable products.

**6.—**(1) Subject to section 5 (2), no person owning or in charge of food premises shall sell or offer for sale any food in or with a non-biodegradable product.

(2) It shall be a defence to a charge under subsection (1) if the Court is satisfied that the food was packaged and sealed in or with the non-biodegradable product prior to receipt by the person.

(3) Subject to subsection (2), a person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding four thousand five hundred dollars.

Costs of storage and disposal of non-biodegradable products.

**7.—**(1) Upon conviction of an offence under section 4, 5 or 6, any reasonable expense incurred for—

(a) storage of the non-biodegradable product being the subject-matter of the offence, for the period

commencing the date on which the charge is laid until the non-biodegradable product is removed, destroyed or recycled which shall be such time after conclusion of the proceedings as is reasonable;

- (b) the removal of the non-biodegradable product being the subject-matter of the offence from the State of Grenada; or
- (c) the destruction or recycling of the non-biodegradable product being the subject-matter of the offence, in an environmentally friendly manner,

is a civil debt owed to the State by the person who is convicted of the offence and is recoverable by legal action brought at the suit of the Comptroller of Customs or the Commissioner of Police, as the case may be, on behalf of the State.

(2) For the purposes of this section, “environmentally friendly manner” means a manner that is not harmful to the environment.

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Passed by the House of Representatives this 18th day of July, 2018.

ADRIAN FRANCIS  
*Clerk to the House of Representatives(Ag.).*

Passed by the Senate this 24th day of July, 2018.

ADRIAN FRANCIS  
*Clerk to the Senate(Ag.).*

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