

A BILL

entitled

SINGLE-USE PLASTICS ACT 2026

TABLE OF CONTENTS

PART 1
PRELIMINARY

- 1 Citation
- 2 Interpretation
- 3 Application of Act
- 4 Functions of the Director

PART 2
PROHIBITION OF SINGLE-USE PLASTICS

- 5 Prohibition of single-use plastics
- 6 Notice of intention to make a prohibition order
- 7 Prohibited single-use plastics
- 8 Removal of prohibited single-use plastic from Schedule 1
- 9 Disposal of single-use plastics
- 10 Unavailability of alternatives
- 11 Appeal of a decision of the Director

PART 3
ENFORCEMENT

- 12 Powers of entry, search and seizure
- 13 Warrant to enter premises
- 14 Notice of seized items
- 15 Persons to assist Director or authorized officer
- 16 Power to impose civil penalties
- 17 Procedure for imposing civil penalties
- 18 Appealing a decision to impose a civil penalty
- 19 Obstructing, failing to comply, giving false information, etc. to Director or an authorized person
- 20 Compensation

PART 4
MISCELLANEOUS

- 21 Guidance

SINGLE-USE PLASTICS ACT 2026

- 22 Regulations
 - 23 Commencement
- SCHEDULE 1
Prohibited Single-Use Plastics
- SCHEDULE 2
Approved Biogenic Materials

WHEREAS it is expedient to regulate and control the importation, use, supply and disposal of single-use plastics and related matters for environmental purposes;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

PART 1 PRELIMINARY

Citation

- 1 This Act may be cited as the Single-Use Plastics Act 2026.

Interpretation

- 2 In this Act, unless the context otherwise requires—
 - “approved biogenic material” means a biogenic material listed in Schedule 2 to this Act;
 - “authorized officer” means a public officer referred to in section 12;
 - “bio-based” means items made of plastic that contain materials wholly of biogenic origin;
 - “biogenic” means produced in natural processes by living organisms but not fossilized or derived from fossil fuels;
 - “Director” means the Director of the Department of Environment and Natural Resources;
 - “guidance” means guidance issued under section 21;
 - “health professional” has the meaning provided in section 2 of the Bermuda Health Council Act 2004;
 - “medical purposes” means for the purposes of diagnosis, treatment or cure of a disease, illness or injury of humans or animals;
 - “Minister” means the Minister responsible for environmental protection;

SINGLE-USE PLASTICS ACT 2026

“prohibited single-use plastic” means a single-use plastic listed by name or description in Schedule 1 to this Act;

“prohibition order” means an order made under section 5;

“registered medical practitioner” has the meaning given in section 1 of the Medical Practitioners Act 1950;

“registered veterinary practitioner” has the meaning given in section 2 of the Veterinary Practitioners Act 2008;

“regulations” means any regulations made under this Act;

“single-use plastic” means plastic products that are manufactured for one-time use;

“transition period” in relation to a prohibition order means six months after the prohibition order is made, as described in section 5(5).

Application of Act

3 (1) This Act provides for the prohibition of the single-use plastics listed in Schedule 1 to this Act.

(2) This Act does not apply to single-use plastics that are—

- (a) supplied or used for medical purposes by or under the direction of a registered medical practitioner, health professional or registered veterinary practitioner;
- (b) supplied or used for medical, health or personal hygiene purposes in general;
- (c) manufactured from approved biogenic materials.

(3) The Minister, on the advice of the Director, may by order amend Schedule 2 by adding, deleting or amending specified approved biogenic materials.

(4) An order made under subsection (3) is subject to the negative resolution procedure.

Functions of the Director

4 (1) The Director shall perform the functions assigned under this Act.

(2) The Director shall, by means of inspection and otherwise, take all reasonable steps to enforce and secure compliance with this Act and any regulations.

(3) The Director shall make periodic reviews of this Act and regulations for the purpose of advising the Minister as to any amendments that may be necessary or expedient to the Act or regulations.

(4) The Director shall keep a record of—

- (a) each authorized officer;

SINGLE-USE PLASTICS ACT 2026

- (b) each forfeiture or seizure of single-use plastics made under this Act;
- (c) every civil penalty imposed under section 16;
- (d) any other matters pertaining to the enforcement and compliance with this Act and any regulations.

(5) The Director shall, within three months after the end of each calendar year, submit to the Minister a report regarding the impact of this Act, including statistics regarding any reduction in imports, trash reduction, or other measurable environmental impact as a result of the prohibition of single-use plastics, and any civil penalties imposed.

PART 2

PROHIBITION OF SINGLE-USE PLASTICS

Prohibition of single-use plastics

- 5 (1) The Minister may, on the advice of the Director—
- (a) make a prohibition order, following the consultation process set out in section 6, declaring a single-use plastic of any name or description, as prohibited from—
 - (i) import;
 - (ii) sale or offer to sell;
 - (iii) supply or offer to supply; or
 - (iv) possession for supply or sale;
 - (b) reassess the list of prohibited single-use plastics and may amend the prohibition order and Schedule 1 to add, vary or remove any single-use plastic listed from time to time.
- (2) A prohibition order made in accordance with subsection (1) amends Schedule 1 by adding to, deleting from, or otherwise amending the list of prohibited single-use plastics.
- (3) The Minister shall not make a prohibition order in relation to a particular single use plastic unless he is satisfied, on the advice of the Director, that there are viable and cost-effective bio-based or other alternatives for the single-use plastic.
- (4) A prohibition order made under subsection (1) and in accordance with section 6, shall be subject to the negative resolution procedure.
- (5) A person who possesses, for commercial purposes, any single-use plastic specified in a prohibition order on commencement of such order shall have six months from the date of commencement (transition period), to use, sell or dispose of the prohibited single-use plastic specified.

SINGLE-USE PLASTICS ACT 2026

(6) Any single-use plastic in Bermuda before the commencement date of a prohibition order prohibiting it is not affected by the prohibition order if it is only being used for personal use.

Notice of intention to make a prohibition order

6 (1) Where the Minister proposes to make a prohibition order under section 5 to prohibit a single-use plastic, the Minister shall publish a notice of intention in the Gazette setting out the details of the proposal, including—

- (a) the single-use plastic or the description of the single-use plastic that is being proposed to be prohibited;
- (b) any specific materials to be prohibited;
- (c) the restrictions proposed to be imposed;
- (d) any available bio-based or other alternatives to the single-use plastic; and
- (e) any additional information that may be relevant to the alternative products.

(2) The Minister shall—

- (a) instruct the Director to conduct a public consultation regarding every notice of intention; and
- (b) ensure that a copy of the notice of intention is deposited with the Director for public inspection.

(3) The Director shall determine the manner in which public consultation is conducted under subsection (2), and such consultation shall invite written representations from the public, business owners and environmental groups, and the Director may arrange one or more public meetings if he considers that it will be beneficial to the consultation process.

(4) The Director shall consider the representations submitted under subsection (3) and the types of bio-based or other alternatives available prior to advising the Minister that a prohibition order should be made.

(5) A prohibition order shall not come into effect under section 5 until at least six months have elapsed since the publication of the notice of intention required by subsection (1), to allow for consultation.

(6) A notice of intention published under subsection (1) shall not be subject to section 6 of the Statutory Instruments Act 1977 (parliamentary scrutiny of statutory instruments).

Prohibited single-use plastics

7 (1) With respect to a prohibited single-use plastic, no person shall—

- (a) import;

SINGLE-USE PLASTICS ACT 2026

- (b) sell or offer to sell;
- (c) supply or offer to supply; or
- (d) possess for supply or sale.

(2) A person who contravenes subsection (1)(a) by importing a prohibited single-use plastic on commencement of a prohibition order commits an offence and is liable on summary conviction to a fine of \$5,000 and is liable to forfeiture of the single-use plastic to which the offence relates.

(3) Any person who contravenes subsection (1)(b), (c) or (d) after the transition period commits an offence and is liable to a civil penalty as provided in section 16.

(4) A person does not contravene subsection (1)(b), (c) or (d) if they are selling, supplying or possessing a prohibited single-use plastic specified in a prohibition order on commencement of such order during the transition period.

Removal of prohibited single-use plastic from Schedule 1

8 (1) If the Director considers that a prohibited single-use plastic should be removed from Schedule 1, he may seek written representations from the public, business owners and environmental groups to determine whether removing the prohibition would have general support.

(2) If the Director determines, of his own volition or following a request under section 10, that a prohibited single-use plastic should be removed from Schedule 1, he shall advise the Minister to make an order removing the prohibited single-use plastic.

- (3) An order to remove a prohibited single-use plastic from Schedule 1—
 - (a) shall not be subject to a transition period;
 - (b) shall be made subject to the negative resolution procedure.

Disposal of single-use plastics

9 (1) The Director may consult with the Waste Management section of the Department of Works and Engineering prior to issuing guidance on the disposal of prohibited single-use plastics and any bio-based or other available alternatives.

(2) Prohibited single-use plastics shall be disposed of in accordance with any issued guidance, or the Waste and Litter Control Act 1987.

(3) Any single-use plastics that have been forfeited or seized by the Customs Department or seized in accordance with section 12(4) shall be disposed of in accordance with the provisions of the Waste and Litter Control Act 1987 or in an environmentally-safe manner as may be prescribed in guidance.

Unavailability of alternatives

10 (1) A person may submit a written request to the Director to request the removal of a specified prohibited single-use plastic from Schedule 1 on the grounds that the

SINGLE-USE PLASTICS ACT 2026

person considers that there are no viable and cost-effective bio-based or other alternative items available for purchase in Bermuda or from overseas.

(2) The Director shall review the request and supporting information, and may seek written representations from the public, business owners and environmental groups to determine whether removing the prohibition would have general support.

(3) Within six weeks after receiving a request under subsection (1), the Director shall either—

- (a) if the Director has determined that the specified prohibited single-use plastic should be removed from Schedule 1, advise the Minister to make an order under section 8; or
- (b) notify the person who made the request informing them of the decision not to remove the specified prohibited single-use plastic from Schedule 1.

Appeal of a decision of the Director

11 (1) Where the Director refuses to grant a request under section 10, the person who made the request may, within 30 days of the notification of the decision of the Director, appeal to the Minister against such refusal.

(2) Where the Minister decides an appeal to him under subsection (1), he shall give the applicant and the Director written reasons for his decision.

(3) Where the applicant or the Director is dissatisfied with the decision of the Minister under subsection (1), either person may appeal to the Supreme Court against the decision of the Minister and the Court may allow or dismiss the appeal or may make an order remitting the matter for further consideration by the Minister or the Director as the Court may consider appropriate.

(4) An appeal under subsection (3) shall be commenced by notice of motion filed within 30 days of the notification of the decision of the Minister.

(5) The Rules of Court made under section 62 of the Supreme Court Act 1905 for the purposes of regulating the practice and procedure of appeals apply to appeals under this section.

PART 3

ENFORCEMENT

Powers of entry, search and seizure

12 (1) The Director may, for the purposes of enforcement and compliance with the provisions of this Act authorize a public officer of the Pollution Control section of the Department of Environment and Natural Resources to act on his behalf in accordance with this section, and the Director shall furnish each authorized officer with a Certificate of Designation signed by the Director and the public officer so designated.

SINGLE-USE PLASTICS ACT 2026

(2) The Director or an authorized officer may proceed to enter and search premises under this section where there is reasonable cause to believe that an offence has been or is being committed under this Act.

(3) The Director or an authorized officer shall not make an entry under this section except with the consent of the owner, occupier or person in charge of the business or specified place, or under the authority of a warrant.

(4) The Director or an authorized officer who has reason to believe that an offence has been or is being committed under this Act shall, for the purposes of enforcing and ensuring compliance at all reasonable times and on production of a Certificate of Designation (if an authorized officer), enter any business (other than premises or parts of premises used as a dwelling house) or specified place and while there may inspect, seize and detain any single-use plastic or documents that the Director or authorized officer believes may be required as evidence in proceedings under this Act.

Warrant to enter premises

13 (1) The Director or an authorized officer who has been refused entry under section 12 by the owner, occupier or person in charge of the business (other than premises or parts of premises used as a dwelling house) or specified place may apply to the court for a warrant.

(2) A magistrate may issue a warrant authorizing the Director or an authorized officer to enter and search the business (other than premises or parts of premises used as a dwelling house) or specified place at any time, subject to any conditions that may be specified in the warrant, if on an ex parte application the magistrate is satisfied by information on oath or by sworn statement that—

- (a) entry is necessary for a purpose in relation to an offence under this Act;
- (b) there is reasonable cause to believe that there is evidence at the premises or specified place in relation to the offence; and
- (c) entry has been refused, or there is reasonable cause to believe that entry will be refused.

Notice of seized items

14 (1) Where the Director or an authorized officer seizes a single-use plastic under this Act, the Director or an authorized officer shall give the owner, occupier, or person in charge a written notice—

- (a) stating the name or description of any single-use plastic seized;
- (b) listing any other evidence seized;
- (c) stating that the single-use plastic may be forfeited and disposed of, if found to be a prohibited single-use plastic; and
- (d) giving such information as the Director sees fit.

(2) A copy of the written notice given under subsection (1) shall also be kept by the Director.

SINGLE-USE PLASTICS ACT 2026

Persons to assist Director or authorized officer

15 The owner, occupier or person in charge of the business (other than premises or parts of premises used as a dwelling house) or specified place entered into by the Director or an authorized officer shall comply with all reasonable requirements for assistance made by the Director or an authorized officer.

Power to impose civil penalties

16 (1) The Director may impose a civil penalty on any person for any contravention or failure to comply with this Act, regulations, or any direction lawfully made, given or imposed under this Act.

(2) The amount of the civil penalty imposed under this Act shall be—

- (a) with respect to the first violation, an amount not less than \$500 and not exceeding \$1,500;
- (b) with respect to the second violation within a period of two years beginning with the date of the first violation, an amount not less than \$1,500 and not exceeding \$3,000;
- (c) with respect to the third or subsequent violation within a period of three years, beginning with the date of the first violation, an amount not less than \$3,000 and not exceeding \$5,000.

Procedure for imposing civil penalties

17 (1) When the Director intends to impose a civil penalty on a person, the Director shall give the person a notice (a “warning notice”) of—

- (a) the amount of the civil penalty;
- (b) the reason for imposing the civil penalty; and
- (c) the right to make representations within seven days of the date of the warning notice.

(2) After considering any representations, the Director shall decide, within seven days of the end of the period specified in subsection (1)(c), whether to impose a civil penalty.

(3) The Director must give the person a notice (a “decision notice”) of—

- (a) the Director’s decision not to impose a civil penalty; or
- (b) the Director’s decision to impose a civil penalty, which shall include—
 - (i) the amount of the civil penalty;
 - (ii) the reasons for the decision;
 - (iii) the right to appeal to the magistrates’ court within 30 days of the date of the decision notice; and

SINGLE-USE PLASTICS ACT 2026

(iv) where appropriate, the steps to be taken to remedy the contravention and the time within which the contravention is to be remedied.

(4) A person on whom a civil penalty is imposed by a decision notice who does not appeal under subsection (3)(b)(iii) shall, where appropriate, remedy the contravention and within 30 days of the date of the decision notice either—

- (a) pay the civil penalty; or
- (b) pay a portion of the civil penalty as determined suitable by the Director given the circumstance of such person and apply to the Director for a payment schedule for the remainder.

(5) Any civil penalty imposed shall be paid into the Consolidated Fund and if unpaid within the period prescribed in the decision notice, which has not been appealed, may be recovered as a debt owing in any court of competent jurisdiction.

Appealing a decision to impose a civil penalty

18 (1) A person may appeal to the magistrates' court against a decision of the Director to impose a civil penalty.

- (2) An appeal must be brought within the period specified in section 17(3)(b)(iii).
- (3) A decision appealed against under this section shall not have effect—
 - (a) until the end of the period within which the appeal can be brought; and
 - (b) if such an appeal is brought, until it is determined or withdrawn.

Obstructing, failing to comply, giving false information, etc. to Director or an authorized person

19 (1) No person shall—

- (a) wilfully obstruct the Director or an authorized officer acting in the exercise of any power conferred on him by or under section 12;
- (b) wilfully fail to comply with any requirement properly made to them by the Director or an authorized officer under this Act;
- (c) without reasonable cause fail to give the Director or an authorized officer such assistance or information as he may reasonably require of the person for the performance of the Director or authorized officer's functions under this Part;
- (d) in giving information as mentioned in paragraph (c), make a statement which they know to be false;
- (e) purport to act as an authorized officer under this Act if not so authorized;
- (f) disclose to another person, where the disclosure is not made in the performance of his duty, information otherwise obtained by him under this Act.

SINGLE-USE PLASTICS ACT 2026

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$1,000.

Compensation

20 (1) Where in the exercise of the Director's or authorized officer's powers under section 12, a person's single-use plastic is seized or detained, and the person suffers loss by reason of the seizure or by reason that, during the detention, the single-use plastic is lost, damaged or deteriorated, the owner is entitled to compensation for the loss so suffered.

(2) Any disputed question as to the right to or the amount of any compensation payable under subsection (1) shall be determined by any court on written application.

(3) Subsection (1) does not apply if the owner is convicted of an offence under this Act committed in relation to the single-use plastic seized or detained.

PART 4

MISCELLANEOUS

Guidance

21 (1) For the purposes of this Act, the Director shall issue guidance, and may from time to time, revise such guidance.

(2) The Director shall issue guidance for public awareness on—

- (a) the various types of plastics and single-use plastics;
- (b) best practices for composting and disposal of plastics and any alternatives;
- (c) the availability of alternatives for prohibited single-use plastics including bio-based alternatives.

Regulations

22 (1) The Minister may make regulations—

- (a) for the better administration of this Act;
- (b) for civil penalties;
- (c) as appear to be necessary or desirable for the purposes of this Act.

(2) The negative resolution procedure shall apply to regulations made under this Act.

Commencement

23 This Act shall come into operation on such day as the Minister may appoint by notice in the Gazette.

SINGLE-USE PLASTICS ACT 2026

SCHEDULE 1

(sections 2 and 5)

PROHIBITED SINGLE-USE PLASTICS

The following are prohibited single-use plastics—

[This Schedule is a placeholder for the prohibited single-use plastics that are the subject of a prohibition order made in accordance with section 5.]

SINGLE-USE PLASTICS ACT 2026

SCHEDULE 2

(sections 2 and 3)

APPROVED BIOGENIC MATERIALS

The following are approved biogenic materials—

[This Schedule is a placeholder for approved biogenic materials in accordance with section 3.]

SINGLE-USE PLASTICS BILL 2026

EXPLANATORY MEMORANDUM

This Bill seeks to regulate and control the importation, use, supply and disposal of single-use plastics and related matters for environmental purposes.

Clause 1 provides the citation for the Bill.

Clause 2 provides for the interpretation of terms used in the Bill.

Clause 3 provides that this Bill provides for the prohibition of single-use plastics that are listed in Schedule 1. Clause 3 also provides the single-use plastics that the Bill will not apply to, including single-use plastics that are supplied or used for medical, health or personal hygiene purposes and single-use plastics that are manufactured from approved biogenic materials.

Clause 4 provides for the functions of the Director.

Clause 5 provides that the Minister may make a prohibition order declaring which single-use plastics are prohibited from import, sale or offer to sell, supply or offer to supply or possession for supply or sale. Clause 5 also provides for the reassessment of the list of prohibited single-use plastics and the amendment of the prohibition order.

Clause 6 provides for a notice of intention to be published in the Gazette when there is a proposal to prohibit a single-use plastic. The notice of intention is the beginning of the consultation process which invites written representations from the public, business owners and environmental groups. A prohibition order shall not come into effect until at least six months have elapsed since the publication of the notice of intention.

Clause 7 provides that no person shall import, sell or offer to sell, supply or offer to supply, or possess for supply or sale, a prohibited single-use plastic. Clause 7 also makes it an offence for a person to do any of those activities outside of consultation or the transition period.

Clause 8 provides for the removal of prohibited single-use plastics from Schedule 1.

Clause 9 provides for the disposal of prohibited single-use plastics in general and the disposal of forfeited or seized prohibited single-use plastics.

Clause 10 provides that a person can submit a written request to the Director requesting the removal of a specified single-use plastic from the list of prohibited single-use plastics in Schedule 1, on the grounds that the person considers that there are no viable and cost-effective bio-based or other alternative items available for purchase in Bermuda or from overseas. The Director shall make a decision within six weeks after receiving the request.

Clause 11 provides the appeals process for a person who may want to appeal the decision of the Director not to remove the specified prohibited single-use plastic from Schedule 1.

SINGLE-USE PLASTICS BILL 2026

Clause 12 enables the Director or an authorized officer to enter and search premises, with consent or under a warrant, and inspect, seize and detain any single-use plastics or documents where there is reasonable cause to believe that an offence has been or is being committed.

Clause 13 provides that where the Director or an authorized officer has been refused entry, they can seek a warrant to enter and search the premises.

Clause 14 provides for a written notice of seized items, other evidence seized and stating that the single-use plastics may be forfeited to be provided to the owner, occupier or person in charge.

Clause 15 provides that the owner, occupier or person in charge of the business or specified place that the Director or an authorized officer has entered into shall comply with the reasonable requirements for assistance made by the Director or an authorized officer.

Clause 16 provides the Director with the power to impose civil penalties on any person for any contravention or failure to comply with the Bill, any regulations or directions lawfully made.

Clause 17 provides the procedure for imposing civil penalties.

Clause 18 provides the appeals process for a person who may want to appeal the Director's decision to impose a civil penalty.

Clause 19 provides for offences relating to: obstruction of the Director or an authorized officer, failure to comply, failing to give assistance or information, giving false information, purporting to act as an authorized officer and disclosing to another person information obtained by the authorized officer, where the disclosure is not made in the performance of his duty.

Clause 20 gives the right to compensation where single-use plastics are seized or detained and the owner, if he is not convicted of an offence, suffers a loss as a result of the seizure.

Clause 21 provides that the Director shall issue guidance for the purposes of this Bill.

Clause 22 gives the Minister regulation-making power.

Clause 23 provides for commencement of the Bill.