L.N. 158 of 1998

ENVIRONMENT PROTECTION ACT, 1991 (ACT NO. V OF 1991)

Non-alcoholic Beverages (Control of Containers) Regulations, 1998

IN exercise of the powers conferred by sections 21 and 48 of the Environment Protection Act, 1991, the Deputy Prime Minister and Minister of Foreign Affairs and the Environment has made the following regulations: —

Citation.

1. These regulations may be cited as the Non-alcoholic Beverages (Control of Containers) Regulations, 1998.

Interpretation.

2. In these regulations —

"keg" means any metal container which is refillable and which is intended for the sale and dispense of non-alcoholic beverages either ready to drink (pre-mix) or for dilution and carbonation at point of sale (post-mix);

"non-alcoholic beverage" means any carbonated ready-to-drink liquid or beverage which contains not more than two per centum of alcohol and which is flavoured, whether with natural or artificial additives;

"refillable glass container" means any container made of glass which is intended to be recovered for refilling after use;

"trader" means an importer, manufacturer, wholesaler, agent, retailer or any person who is involved in any commercial activity whereby a non-alcoholic beverage is imported, manufactured or sold in a container.

Containers to be used.

3. A trader shall not import, manufacture, keep in his possession or sell a non-alcoholic beverage for local sale or consumption unless the beverage is packed in a refillable glass container or dispensed from a keg.

Refundable deposit.

4. (1) Traders shall impose a mandatory refundable deposit on all refillable glass containers and kegs of at least 15% of the wholesale price of the product.

(2) The deposit shall be paid to the trader by the customer subject to the same deposit being refunded to the customer when the container is returned to the trader.

(3) Traders are bound to accept from customers returned refillable glass containers or kegs of non-alcoholic beverages sold by them.

Disposal of refillable glass containers or kegs.

5. No used refillable glass container or keg for non-alcoholic beverages shall be allowed to be disposed of by any trader unless authorised to do so by the Minister, and unless such trader proves that such containers or kegs will be recycled after their disposal, or that their disposal will not release toxic substances into the environment or in any other manner have a harmful impact on the environment.

Offences.

6. Any person who acts in contravention or fails to comply with the provisions of these regulations shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than Lm1,000 and not exceeding Lm10,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment together.

Revokes L.N. 183 of 1994.

7. The Non-alcoholic Beverages (Control of Containers) Regulations, 1994, are hereby revoked.