

CHAPTER 395A
RETURNABLE CONTAINERS

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SCHEDULE

CHAPTER 395A

RETURNABLE CONTAINERS

An Act to provide for the control of the sale of beverages in beverage containers, the payment of a deposit on beverage containers, a refund for the return of those containers and the final disposal of unused or usable containers.

1985-9.
1991/163.

[1st June, 1986]

Commence-
ment.

1986/74.

Short title.

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

2. (1) For the purposes of this Act,

Definitions.

"beverage" means carbonated, non-carbonated, soft drinks, mineral water, soda water, beer and other malt beverages;

"beverage container" means the separate, sealed glass, metal, aluminium, steel or plastic bottle, can or jar used for containing (one gallon or 3.8 litres) or less at the time of sale of a beverage intended for use or consumption in Barbados;

"dealer" means every person, firm or corporation who engages in the sale of beverages in beverage containers to a consumer for off premises consumption in Barbados;

"distributor" means any person, firm or corporation that bottles or cans beverages or otherwise fills beverage containers or packages beverages or engages in the sale of such containers to a dealer and includes an importer of beverage containers;

"malt beverage" means any beverage obtained by the alcoholic fermentation or infusion or decoction of barley, malt, hops, or other wholesome grain or cereal and water and includes, ale, stout and malt liquor;

- "Minister", means the Minister responsible for the Environment;
- "place of business" means the location at which a dealer sells or offers for sale beverages in beverage containers to consumers;
- "redeemer" means every person who demands the refund value provided for herein in exchange for the empty beverage container, but shall not include a dealer;
- "redemption centre" means any establishment offering to pay the refund value of a beverage container;
- "use or consumption" means the exercise of any right or power incidental to the ownership of a beverage, other than the sale or the keeping or retention of a beverage for the purpose of sale.

(2) Beverage containers sold or distributed aboard aircraft and ships shall be considered as intended for use or consumption outside Barbados.

Prohibition regarding sale of beverages in returnable containers and exemptions therefrom.

3. (1) Subject to subsection (2), no distributor or dealer shall sell or offer for sale, at wholesale or retail in Barbados, any beverage that is contained in a beverage container unless he is permitted to do so by the Minister under subsection (2).

(2) The Minister may, by order published in the *Official Gazette*, exempt a distributor or dealer from the provisions of this Act if he is satisfied

- (a) that any such distributor or dealer has in place an adequate system for the recycling of beverage containers; or
- (b) that a person who is not a distributor or dealer has in place an adequate system for the recycling of beverage containers which may be utilised by a distributor or dealer.

Acceptance of container.

4. (1) A dealer shall accept at his place of business from a redeemer any empty beverage containers of the design, shape, size, colour, composition and brand sold by the dealer, and shall pay to the redeemer the refund value of each such beverage container.

(2) A distributor shall accept from a dealer or operator of a redemption centre any empty beverage containers of the design, shape, size, colour, composition and brand sold by the distributor, and shall pay the dealer or operator of a redemption centre the refund value of each such beverage container.

(3) In addition to the refund value of a beverage container, a distributor, as part of his agreement with any dealer or operator of a redemption centre, shall reimburse such dealer or operator not less than 20 percent of the refund value of beverage containers accepted by the distributor from such dealer or operator.

5. (1) A dealer or operator of a redemption centre may refuse to accept from a redeemer, and a distributor may refuse to accept from a dealer or operator of a redemption centre any empty beverage container for which the refund value is not fixed by this Act.

Refusal of acceptance.

(2) A dealer or operator of a redemption centre may also refuse to accept any broken bottle, corroded or dismembered can, or any beverage container that contains a significant amount of foreign material.

(3) Notwithstanding subsection (2), a distributor shall accept beverage containers mentioned in that subsection, if the dealer had paid the refund value of such beverage containers.

6. (1) Where beverage containers returned to a distributor are for any reason unusable or remain unused for a reasonable period the distributor shall dispose of them in accordance with the *Health Services (Collection and Disposal of Refuse) Regulations, 1975*.

Disposal of containers.

1975/51.

(2) For the purposes of subsection (1) in determining a reasonable period regard shall be had to the time it takes in the particular business to re-use the containers.

7. (1) The refund value of a beverage container is that set out in the *Schedule*.

Refund value.
Schedule.

Schedule. (2) The Minister may, by order, amend, vary or revoke the *Schedule*.

Regulations. 8. The Minister may make regulations respecting beverage containers and generally for carrying out the purposes of this Act.

Offences. 9. Any person who contravenes this Act is guilty of an offence and liable on summary conviction to a fine of \$500 or 3 months imprisonment or both; and where the offence is a continuing offence he is liable to a further fine of \$500 or 3 months imprisonment for every day the offence continues after conviction is first obtained.

SCHEDULE

(Section 7)

Refund Value

| | | |
|-----------|--|----------|
| 1991/163. | For every glass container | 20 cents |
| | For every container other than a glass container | 10 cents |