



Waste Minimisation (Microbeads) Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 4th day of December 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 23(1)(b) of the Waste Minimisation Act 2008—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made after complying with section 23(2)(b) and (3) of that Act.

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Regulations

1 Title

These regulations are the Waste Minimisation (Microbeads) Regulations 2017.

2 Commencement

These regulations come into force 6 months after the date of their notification in the *Gazette*.

3 Interpretation

In these regulations, unless the context otherwise requires,—

medical device and **medicine** have the meanings given to them in section 2(1) of the Medicines Act 1981

microbead means a water-insoluble plastic particle that is less than 5 mm at its widest point

prohibited wash-off product has the meaning given in regulation 5

wash-off product means a product that is intended to be rinsed off during or after use.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Prohibited wash-off product defined

In these regulations, a **prohibited wash-off product**—

(a) means a wash-off product that contains microbeads for 1 or more of the following purposes:

- (i) exfoliation of all or part of a person's body:
- (ii) cleaning of all or part of a person's body:
- (iii) abrasive cleaning of any area, surface, or thing:
- (iv) visual appearance of the product; but

(b) does not include a medical device or medicine.

6 Person must not sell prohibited wash-off product

A person must not sell a prohibited wash-off product in New Zealand.

7 Person must not manufacture prohibited wash-off product

A person must not manufacture a prohibited wash-off product in New Zealand.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force 6 months after the date of their notification in the *Gazette*, are made under the Waste Minimisation Act 2008. These regulations prohibit the manufacture and sale of wash-off products (other than medical devices or medicines) that contain microbeads for 1 or more of the following purposes:

- exfoliation of all or part of a person's body:
- cleaning of all or part of a person's body:
- abrasive cleaning of any area, surface, or thing:
- visual appearance of the product.

Section 65 of the Waste Minimisation Act 2008 provides that a person who knowingly contravenes these regulations commits an offence and is liable on conviction to a fine not exceeding \$100,000.

To avoid doubt, these regulations do not affect the sale of goods that may be sold in New Zealand by virtue of the Trans-Tasman Mutual Recognition Act 1997 (*see* section 10 of that Act).

Regulatory impact assessment

The Ministry for the Environment produced a regulatory impact assessment in August 2017 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <http://www.mfe.govt.nz/node/23632>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 7 December 2017.

These regulations are administered by the Ministry for the Environment.