

THE CHEMICAL FERTILIZERS CONTROL ACT 1980

Act No. 31 of 1978

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Licences
4. Containers, labels and prohibitions
5. Powers of sampling officer
6. Certificate of analysis
7. Sample to be produced in court
8. Power to seize chemical fertilizer
9. Offences
10. Regulations

1. Short title

This Act may be cited as the Chemical Fertilizers Control Act.

2. Interpretation

In this Act -

“basic element” means any one of the elements specified in the First Schedule;

“chemical fertilizer” means any substance containing one or more of the basic elements used as a fertilizer;

“deleterious ingredients”, in relation to a chemical fertilizer, includes any soluble salts or any other substances likely to be injurious to plant growth;

“Government analyst” means any chemist of the Ministry of Agriculture and Natural Resources and the Environment;

“licensee” means a person licensed under section 3;

"Minister" means the Minister to whom responsibility for the subject of agriculture is assigned;

"Permanent Secretary" means the Permanent Secretary, Ministry of Agriculture and Natural Resources and the Environment;

"sampling officer" means an officer of the Ministry of Agriculture and Natural Resources and the Environment authorised to take samples;

"statutory description" means the description specified in the second column of the Second Schedule in respect of a chemical fertilizer specified in the first column of that Schedule.

3. Licences

- (1) Any person wishing to sell chemical fertilizers shall make an application in the prescribed manner.
- (2) Where the Minister is satisfied that chemical fertilizers may safely premises in respect of which the application is made, he may, on payment of the prescribed fee, grant to any person a licence for such period as he may determine.
- (3) Subject to section 4, no person shall sell any chemical fertilizer except on premises in respect of which he holds a licence.
- (4) A licence granted under subsection(2)-
 - (a) shall be subject to such terms and conditions as the Minister may determine at the time of the issue of the licence or at any time during the currency licence;
 - (b) may be renewed on payment of the prescribed fee; and
 - (c) may, where the licensee fails to comply with this Act or with any attached to the licence, be revoked.

4. Containers, labels and prohibitions

- (1) Subject to subsection (4), no chemical fertilizer shall be sold except in completely sealed containers.
- (2) Every container shall bear from outside a conspicuous label or other device specifying -
 - (a) the name of the chemical fertilizer, its manufacturer and batch number;
 - (b) its composition, including its moisture percentage; and

(c) in the case of a chemical fertilizer specified in the first column of the Second Schedule, the particulars of the basic elements set out in the third column of that Schedule.

(3) No chemical fertilizer specified in the first column of the Second Schedule shall be sold under any brand or description unless its composition or the limits of variation comply with the specifications respectively set out in the third and fourth columns of the Second Schedule.

(4) Subsection (1) shall not apply to the sale of a chemical fertilizer in a quantity not exceeding 5 kilograms, where, for the purpose of the sale, the chemical fertilizer is removed from a container which complies with subsection (2).

5. Powers of sampling officer

(1) For the purposes of this Act, a sampling officer may -

(a) at all reasonable times, enter any premises where chemical fertilizers are stored or sold; and

(b) subject to subsection (2), obtain or take samples of any chemical fertilizer in the manner specified in the Third Schedule.

(2) Where for the purposes of analysis, a sampling officer requires a sample of any chemical fertilizer in the possession or under the control of any person he shall-

(a) purchase the sample;

(b) inform the person of his intention to cause it to be analysed;

(c) divide the sample into 3 parts; which he shall mark, seal, sign and cause to be signed by the person;

(d) deliver one part of the sample to the person;

(e) retain the second part for future comparison;

(f) submit the third part to a Government analyst for analysis.

6. Certificate of analysis

(1) A certificate of analysis emanating from a Government analyst shall be -

(a) in the form set out in Part I of the Fourth Schedule;

- (b) delivered free of charge to –
 - (i) the sampling officer;
 - (ii) the person from whom the sample was obtained.
- (2) No certificate of analysis shall be receivable in evidence unless it is signed by –
 - (a) a Government Analyst; or
 - (c) a person holding the qualifications set out in Part II of the Fourth Schedule.

7. Sample to be produced in court

- (1) Where in the course of any proceedings under this Act, the conclusions contained in a certificate of analysis signed by the Government analyst are disputed, the sampling officer shall produce in court that part of the sample retained under section 5 (2) (e).
- (2) The court shall, on such terms as to costs as it thinks fit, order a joint analysis of the part of the sample produced under subsection (1) by the Government analyst and any analyst holding the qualifications set out in Part II of the Fourth Schedule designated by the person disputing the certificate of the Government analyst.

8. Power to seize chemical fertilizer

Where the Permanent Secretary reasonably believes that a person has in his possession any chemical fertilizer –

- (a) having a composition which exceeds the limits of variation specified in the fourth column of the Second Schedule; or
 - (b) in breach of this Act or any regulation made under it,
- he may seize the chemical fertilizer.

9. Offences

- (1) Any person who -
 - (a) sells any chemical fertilizer containing deleterious ingredients;
 - (b) sells any chemical fertilizer having a composition which exceeds the limits of variation specified in the fourth column of the Second Schedule;

(c) affixes any false or misleading label in relation to the particulars, description or composition of any chemical fertilizer;

(d) tampers with any sample taken or submitted for analysis;

(e) obstructs a sampling officer in the execution of his duties under this Act;

(f) fails to comply with an order of the court under section 7 (2); or

(g) contravenes this Act, any regulation made under this Act, or any condition attached to a licence,

shall commit an offence.

(2) Every person who commits an offence shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

(3) The court before which a person is convicted of an offence may, in addition to any penalty imposed, order any chemical fertilizer in respect of which the offence was committed to be forfeited.

(4) No proceedings shall be taken, in respect of any misstatement as to the particulars to be furnished under section 4 (2) in relation to a chemical fertilizer, where the particulars do not exceed the limits of variation specified in the fourth column of the Second Schedule.

10. Regulations

The Minister may -

(a) make such regulations as he thinks fit for the purposes of this Act,

(b) by regulations amend the Schedules.

FIRST SCHEDULE

(section 2)

Basic elements –

Nitrogen

Phosphorus (Phosphoric acid)

Potassium (Potash)Calcium

Magnesium

Silicon

SECOND SCHEDULE

Name under which chemical fertilizer is sold	Statutory description	Particulars of basic elements*	Limits of variation
Ammonium nitrate	Ammonium nitrate for fertilizing purposes	Amount of nitrogen amount stated	Nitrogen 1/20
Basic slag	A byproduct, containing Phosphorus obtained in the manufacture of steel to which no addition has been made the time of leaving or after it has left the furnace	Total amount of phosphoric acid amount of the material that will pass through a British at Standard Test Sieve Mesh No. 100. Amount of phosphoric acid soluble in 2% citric acid & amount of silicic acid soluble in N/2 hydrochloric acid soluble silica	Total phosphoric acid 1%; silicic acid soluble in N/2 hydrochloric acid. Amount that will pass through a 0.5mm sieve, 1/20 of the amount stated, limit of variation of soluble silica
Bone phosphate precipitated; decalcium bone phosphate	An insoluble calcium phosphate prepared by treating commercially pure bone with acid and precipitation of phosphate from the	Amount of phosphoric acid soluble in citric acid	Phosphoric acid soluble in citric acid, 1 %

solution

Calcium metasilicate ... A byproduct containing soluble silicon, for fertilizing purposes

Amount of silicic acid soluble in N/2 hydrochloric acid; Amount of silicic acid soluble in N/2 hydrochloric acid

hydrochloric acid; chloric acid

amount of the article that will pass through a British Standard Test Sieve

limit of variation of soluble silica

1.5 %

Mesh No 100

Compound fertilizer or more of the basic elements specified in the First Schedule and obtained by mixing one or more of the articles specified in the first column of this Schedule with any other substance not harmful vegetation

A product containing one or more of the basic elements specified in the First Schedule and obtained by mixing one or more of the articles specified in the first column of this Schedule with any other substance not harmful vegetation

Total amount of (i) Nitrogen + phosphoric acid and potash respectively so- acid+ Potash+

Phosphoric acid + Magnesium +

0.6% where the amount stated does not exceed 8% (ii) Nitrogen +

the amount

stated does

not exceed

8%

(ii) Nitrogen +

Phosphoric

acid +

to Potash +

+ 1/15 of the

amount

stated,

where the

amount

stated

exceeds 8%

(iii) Magnesium,

1/10 of the

amount

stated,

where the

amount stated

exceeds 8%.

Provided

that the

variation

from each

amount sta-

ted shall not

exceed 1.75%

and, where

the total of

the amounts

stated is 25%

or over, the

amount of all

variations

taken to-

gether, after

setting off

deficiencies

against ex-

shall not

exceed 1/20

of the afore-

said total.

Muriate of potash Potassium chloride for

fertilizing purposes and

containing not less than

60% potash

Nitrate of lime Calcium nitrate for Amount of Nitrogen

fertilizing purposes nitrogen 0.5 %

and containing not less

than 13% nitrogen

Nitrate of potash Potassium nitrate for Amount of nitrogen Nitrogen 0.5%

fertilizing purposes and potash respectively potash 2%

containing not less than

13% nitrogen and 40%

potash

Nitrate of soda Sodium nitrate for fer- Amount of nitrogen Nitrogen 0.5%

tilizing purposes, and

containing not less than

16% nitrogen

Mineral rock Phosphate rock from

phosphate... mineral calcium phos-

phate deposits to which Total amount of Total phosphoric

no other matter phosphoric acid; 1/120 and

has been added amount of phospho- phosphoric

soluble soluble in

2% citric acid

Rock phosphate.. Phosphate rock from in 2% citric acid; acid

organic origin, commonly amount of the Amount that will
called phosphatic guano, article that will pass through the
ground and screened to pass through a British Standard
pass through a specific specific sieve Test Sieve No.
sieve 100, 1/120 of

the amount

stated

Phosphate of Ammonium phosphate Amount of nitrogen Nitrogen 1/20
ammonia ... for fertilizing and phosphoric acid Phosphoric acid
purposes and respectively 1/30

Amount of potash (a)1% where the

percentage

of potash

stated does

not exceed 15

or

(b)2% where the

percentage of

potash stated

exceeds 15

Quick lime Commercial calcium Amount of calcium Calcium oxide 1/10
oxide oxide of the amount
stated

Slaked lime ... The product obtained Amount of calcium Calcium oxide 1/10
by slaking burn lime of the amount
stated

Sulphate of Ammonium sulphate for Amount of nitrogen; Nitrogen 0.3 %
Ammonia ... fertilizing purposes amount of free acid,

and containing not if any
less than 21%

Sweepings ... Fertilizers or a mixture Total amount of (i) Nitrogen +
of fertilizers collected nitrogen, phosphoric Phosphoric
from damaged bags and acid and potash acid + Potash
and sold either loose respectively + 1% where the
or rebagged soluble in water amount stated

does not
exceed 8 %

(ii) Nitrogen +
Phosphoric
acid +
Potash +
1/10 of the
the amount
stated, where
the amount
stated
exceeds 8%

- In the particulars –
 - (a) Nitrogen is to be stated in terms of nitrogen (N).
 - (b) Phosphoric acid is to be stated in terms of phosphoric anhydride (P2O5).
 - (c) Potash is to be stated in terms of potassium oxide (K2O). Free acid is to be stated in terms of sulphuric acid (H2SO4).
 - (d) Calcium oxide is to be stated in terms of calcium oxide (CaO).
 - (e) Magnesium is to be stated in terms of magnesium oxide (MgO).
 - (f) The amount in each case is to be stated as a definite percentage of the weight of the material and not as a range of percentages.

Triple super- Phosphate rock which Amount of phosphoric Phosphoric acid
Phosphoric (or has been treated with acid soluble in soluble in water
concentrated phosphoric acid only water

and containing not less

than 42 % phosphoric

acid

Urea ... Urea for fertilizing Amount of nitrogen Nitrogen 0.3%
purposes and containing
not more than 1.5%
bluret

THIRD SCHEDULE

(section 5)

Samples shall be taken and dealt with as follows –

1. Where the weight of the whole quantity does not exceed 50 kilograms or where the whole quantity is in one container, the sample may consist of such portion of the quantity as is fairly representative of the whole and shall not be less than 1.5 Pounds in weight.
2. Where the chemical fertilizer is in packages, only unopened packages shall be selected.
3. Where the chemical fertilizer is in a state of fine division-
 - (1) in packages

Where the chemical fertilizer is in packages and the quantity exceeds 50 kilograms, a number of packages shall be selected as follows –

Quantity But not
to be fewer
taken packages
than

(a) where the quantity –

(i) exceeds one package but

does not exceed 20 packages 20 2

- (ii) exceeds 20 packages but does not exceed 50 packages 10 4
- (iii) exceeds 50 packages but does not exceed 200 packages 7 6
- (iv) exceeds 200 packages but does not exceed 500 packages 5 15
- (v) exceeds 500 packages but does not exceed 1,000 packages 4 25
- (vi) exceeds 1,000 packages 3 40

(b)(i) the selected packages shall be emptied separately on a clean dry surface and worked up with a shovel and one shovelful taken from each. The shovelfuls shall be thoroughly mixed together and any lumps broken up; or

(ii) where the material is of a suitable nature, a portion shall be taken from each selected package by means of a sampling spear. The separate portions taken shall be thoroughly mixed together.

(b) from the mixture obtained, if the sample is more than one kilogram in weight, it shall be drawn as follows –

(i) The mixture shall be heaped to form a cone;

(ii) the cone shall be flattened and quartered;

(iii) the 2 diagonally opposite quarters shall be rejected;

(iv) the remainder mixed; and

(v) the quartering and rejecting shall be continued until the remainder is about 3/4 to one kilogram in weight.

(3) In bulk –

Where the chemical fertilizer is in bulk, a number of portions shall be taken with a shovel or a sampling spear as follows -

No. of
Portions

- (a) where the quantity-
 - (i) exceeds 50 kilograms but does not exceed 1 ton 4
 - (ii) exceeds 1 ton but does not exceed 2 tons 6
 - (iii) exceeds 2 tons but does not exceed 5 tons 10
 - (iv) exceeds 5 tons but does not exceed 10 tons15

- (v) exceeds 10 tons but does not exceed
 - 25 tons 25
- (vi) exceeds 25 tons but does not exceed
 - 50 tons 40
- (vii) exceeds 50 tons but does not exceed 100 tons 60
- (viii) exceeds 100 tons - for each additional 10 tons or
 - part thereof 2

(b) the portions taken shall be treated and the sample drawn in the manner specified in subparagraph (1) (b) and (c).

4. Where the chemical fertilizer is in a coarse or lump condition –

(1) in packages -

the packages selected according to the appropriate scale specified in paragraph 3 (1) (a) shall be crushed to pass through a sieve with meshes 1 1/4 inch square before the final sample of about one to 1 1/2 kilogram in weight is drawn in the manner specified in (paragraph 3 (1) (b) and (c).

(2) in bulk-

shovelfuls shall be taken according to the appropriate scale specified in paragraph 3 (2) (a) and shall be treated and a sample drawn in the manner specified in paragraph 3 (1) (b)(c).

5. Where the chemical fertilizer is in a fluid condition –

(a) in bottles or containers containing not more than one litre, the number of bottles or containers shall be selected in accordance with the appropriate scale specified in paragraph 3 (1) (a) The contents of the selected bottles shall be emptied into a clean dry glass or glazed earthenware vessel and well mixed by stirring or shaking. From the mixture a sample of about 1 1/2 litres shall be drawn, the mixture being stirred or shaken until immediately before the sample is drawn;

(b) in containers each containing more than one litre the number of containers shall be selected in accordance with the appropriate scale specified in paragraph 3(1)(a). The selected containers shall be well shaken or the contents agitated or otherwise treated to ensure uniformity. An approximately equal proportion of the fluid shall then be taken immediately from each of the selected containers, emptied into a clean dry glass or glazed earthenware vessel and treated as specified in subparagraph (a).

FOURTH SCHEDULE

(section 6)

PART I

CERTIFICATE DELIVERED UNDER THE CHEMICAL FERTILIZERS CONTROL ACT

To.(1)...

I, Analyst, certify that on the ... day of ... 19... a sample marked....and weighing/measuring (2) ... (3) ... was submitted to me by (1) ... as a sample of ... for analysis.

I further certify that the sample was analysed by me/or under my direction (2) and as a result of analysis, I am of opinion that (4) ...

Date.....

Signed

Analyst

- (1) Insert the name and address of the person who submitted the sample for analysis.
- (2) Delete the inappropriate words.
- (3) This may be left unanswered if the sample cannot be conveniently weighed or measured or the weight or measurement is not material to the result of the analysis.
- (4) Here the analyst should specify the result of the analysis in the light of the Chemical Fertilizers Control Act.

The analyst may -

- (a) insert his opinion -
 - (i) whether the analysis indicates any addition, abstraction or deficiency or the presence of foreign matter or other defect and whether the nature, substance or quality is thereby affected;
 - (ii) on any physical, chemical or other properties bearing on the nature, substance or quality of the fertilizer;
 - (iii) whether the fertilizer is injurious to the soil and to the plant; and
- (b) add any observation he considers relevant.

PART II

Qualification of analyst authorised to issue certificate under the Chemical Fertilizers Control Act. He shall –

- (a) be a registered agricultural chemist under the Agricultural Chemists Act, or have professional qualifications in chemistry which are in the opinion of the Minister equivalent; or
- (b) have successfully completed a course of studies in the science and analysis of chemical fertilizers in an institution recognised for this purpose by the Minister.