



LAWS OF SEYCHELLES

PESTICIDES CONTROL ACT

CHAPTER 164A

REVISED EDITION 1996

PRINTED FOR THE GOVERNMENT OF SEYCHELLES
BY PRINTEC PRESS HOLDINGS (PTY) LTD

THE GOVERNMENT PRINTER

CHAPTER 164A

PESTICIDES CONTROL ACT

Act 4 of 1996

[1st May, 1996]

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PART I - PRELIMINARY

- 1. This Act may be cited as the Pesticide Control Act. Short title
- 2. The Act binds the Republic. Republic bound
- 3. In this Act - Interpretation
 - "authorised officer" means an authorised officer appointed under section 15;
 - "Board" means the Pesticide Board established under section 4;
 - "Director General" means the Director of Health Services of the Ministry responsible for Health;
 - "pesticide" means any substance or mixture of substances intended for preventing, destroying or controlling any pest

including any vector of human or animal disease causing harm during or otherwise interfering with the production, processing, storage, transport or marketing of food, agricultural commodities, wood and wood products or animal feedstuffs or which may be administered to animals for the control of insects, arachnids or other pests in or on their bodies and includes substances intended for use as a plant growth regulator, defoliant, desiccant or agent for thinning fruit or preventing the premature fall of fruit and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport;

"Registrar" means the Registrar of Pesticides appointed under section 8

PART II - ADMINISTRATION

4. There is hereby established the Pesticide Board.

5.(1) The Board shall consist of -

- (a) the Director General who shall be its chairperson;
- (b) a representative of the Ministry responsible for Health other than the Director General, nominated by the Minister responsible for Health;
- (c) a representative of the Ministry responsible for Agriculture nominated by the Minister responsible for Agriculture;
- (d) a representative of the Ministry responsible for Environment nominated by the Minister responsible for Environment;
- (e) a representative of the Ministry responsible for Employment nominated by the Minister responsible for Employment;
- (f) a representative of the Seychelles Bureau of Standards, established by section 3 of the Seychelles Bureau of Standards Act, nominated by the Director General of the Bureau;

Establishment
of the Pesticide
Board
Composition of
the Board

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(g) a representative of the Licensing Authority, established under section 3 of the Licences Act, nominated by the Chairman of the Authority.

(2) Where a Ministry referred to in subsection (1) is responsible for more than one subject matter referred to in that subsection, the Minister responsible for those subject matters shall nominate a representative to represent on the Board each such subject matter.

(3) The Minister shall publish in the Gazette the names of the members constituted under subsection (1) and the members nominated under paragraph (b) to (f) of that subsections shall hold office for a period of two years from the date of publication.

(4) In the case of a vacancy in the membership of the Board, other than on expiration of the period of office, the Minister who nominated the member who vacated membership shall nominate another person to fill the vacancy and on the publication in the Gazette of the name of the person so nominated, the person shall hold office for the unexpired period of membership of the member who vacated membership.

(5) The Board shall meet not less than once every two months and at such other time as the Chairperson may determine.

(6) One half the number of members of the Board shall constitute a quorum for any meeting of the Board.

(7) The Chairperson or, in the absence of the Chairperson, a member elected by the members present at the meeting, shall preside at a meeting of the Board.

(8) Subject to this Act, the Board shall regulate its own proceedings.

(9) The Board may invite any person to attend its meetings and participate in its deliberations on any matter but such person shall have no right to vote on the matter to be decided by the Board.

Functions of the Board

6. The Board may -

- (a) on application made to it under section 9 register any pesticide;
- (b) in the manufacture, import, export, sale or use of any pesticides, determine the conditions for the

protection of plant material, public health and the environment;

- (c) advise the Licensing Authority on the conditions to be imposed in the grant of licences relating to pest control services and trade and manufacturing licences, distribution or use of pesticides and on the grant of permits or licences of any such activity;
- (d) advise the Minister, other Ministries and departments of the Government on matters relating to the manufacture, import, export, sale, handling, distribution or use of pesticides and on the grant of permits or licences for any such activity;
- (e) consider and report on any matter relating to pesticides referred to the Board by the Minister, any Ministry or department of the Government or any member of the public;
- (f) arrange training courses for persons engaged in a scheduled operations.
- (g) perform such other functions as may be conferred on it by regulations made under this Act or by any other written law.

7. A member of the Board who is directly or indirectly interested in any matter which falls to be considered by the Board shall disclose the nature of the interest at a meeting of the Board and shall not, except with the consent of the Board, take part in any deliberation or decision of the Board with respect to that matter.

Disclosure of interest

8.(1) The Minister shall appoint an officer of the Ministry as the Registrar of Pesticides.

Registrar of pesticides

(2) The Registrar shall keep and maintain in such form as the Board may determine -

- (a) a register of pesticides registered by the Board;
- (b) a register of permits granted under section 13;
- (c) such other registers as may be prescribed;

(3) The Registrar shall function as the Secretary of the Board and keep the minutes of the meetings of the Board and perform such other functions as may be assigned to the Registrar by the Board.

PART III - CONTROL OF PESTICIDES

Registered
pesticides

9.(1) The pesticides specified in Schedule 1 are registered pesticides for the purposes of this Act.

(2) An application for registration of a pesticide not specified in Schedule 1 may be made to the Board and shall contain the following particulars -

- (a) a description of the pesticide giving its trade name, the common name, the active ingredient, its chemical name and concentration;
- (b) name and address of the manufacturer, packager and supplier;
- (c) the purpose for which the registration is sought;
- (d) toxicological data, including material data sheets, efficacy trial and environmental or health reports and the safe periods after application of the pesticide;
- (e) a statement as to whether the pesticide is banned or severely restricted in the country of origin or of packaging due to health or environment reasons;
- (f) the proposed draft label for the storage, sale or supply of the pesticide;
- (g) intended method of disposal of the pesticide and its container if so required due to surplus or expiry date for use;
- (h) intended method of disposal of the pesticide and its container if so required due to surplus or expiry date for use.

(3) The Board may require an applicant to furnish such other information it may require for the purposes of the application under subsection (2).

(4) Where the Board allows an application for registration of a pesticide, the Registrar of pesticides shall enter the pesticide in the register maintained under section 8(2)(a).

(5) Where the Board refuses an application for registration of a pesticide, it shall state the reasons for the decision.

(6) The Registrar shall inform each applicant of the decision of the Board.

(7) Any person aggrieved by a decision of the Board under this section may appeal to the Minister within 15 days of being informed of the decision and the Minister may on such appeal affirm or vary the decision of the Board.

(8) The Board shall comply with any decision of the Minister under subsection (7).

10. Subject to this Act, no person shall manufacture, import, export, sell, offer for sale, supply, use, store, transport, possess or otherwise deal with any pesticide unless -

Dealing in non-registered pesticides

- (a) the pesticide is registered under this Act; and
- (b) where this Act or any other written law requires a permit or licence for any such activity, the person holds a licence or permit under this Act or such other law;
- (c) subject to and in accordance with any conditions specified in the licence or permit.

11.(1) No pesticide shall be imported or exported except at an entry or exit point designated by the Minister by notice published in the Gazette.

Further restriction on import and export of pesticide

(2) A person who imports or exports a pesticide shall declare and offer for inspection the pesticide at the time of export or import to an officer authorised under a written law to inspect goods imported or exported.

12.(1) No person shall sell, offer for sale or supply any pesticide unless it is labelled in accordance with this Act.

Further restrictions on sale or supply of pesticides

(2) Schedule 2 shall have effect to the labelling of pesticides.

(3) Where a licence to trade in pesticides granted under the Licences (Trade) Regulations prohibits the sale of a pesticide to any person or class of persons, the holder of the licence shall not sell or supply such pesticide to such person or class of persons.

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13. No person shall transport any pesticide in a vehicle transporting a commodity for human or animal consumption.

Further restriction on transport of pesticides

Further
restriction on
storage of
pesticides

14. No person shall store any pesticide except -

- (a) in a locked room displaying a notice -
 - (i) specifying that pesticides are stored therein;
 - (ii) prohibiting access to unauthorised persons or children under 15 years of age;
- (b) in a manner that the pesticide is not exposed to direct sunlight;
- (c) in a leak-proof container; and
- (d) at a level 45 centimetres above the ground level of the room.

Scheduled
Operations

15. (1) No person shall, as a trade or business, engage or employ any other person to engage in a Scheduled Operation unless the person or the other person -

- (a) in the case of an individual, is the holder of a certificate of competence, approved by the Board, to engage in the Scheduled Operation;
- (b) in the case of a corporate body, has in its employment persons who are the holders of a certificate of competence referred to in paragraph (a).

(2) A person engaged in any Scheduled Operation, whether as a trade or business or otherwise, shall while so engaged wear protective clothing, approved by the Board, to prevent absorption of pesticide by skin or eye contact, inhalation or ingestion.

Mixing,
pouring and
spillage of
pesticides

16.(1) No person shall mix or pour any pesticide on an open ground within 9 metres of a water course.

(2) Any person who mixes or pours any pesticide shall take precautions to prevent spillage of the pesticide on the soil or floor and shall report any spillage to the Registrar within 24 hours of such spillage.

Scheduled
Operations in
open area

17. Any person engaged in the Scheduled Operation of spraying any ground crop, trees, bushes or climbing plants with a pesticide, other than a household biocide or any such operation where a household biocide in excess of 250 grammes or 1 litre is being used or dealt with, within an open area shall display in a conspicuous place in that area a notice -

-
- (a) stating that the scheduled operation is being carried on in that area; and
 - (b) prohibiting access to that area of any unauthorised person within the period specified in the notice.

18.(1) Notwithstanding anything in section 10 or any other written law, the Director General may grant to an authorised laboratory a permit to import, export or possess a pesticide for scientific research.

Scientific
research

(2) A permit granted under subsection (1) shall be subject to such conditions as the Director General may impose for the protection of plant material, public health and the environment.

(3) The Director General may, where the Director General is satisfied that there has been a breach of any conditions of the permit granted under subsection (1), suspend or revoke the permit.

19. The Director General shall be responsible for -

Responsibilities
of Director
General

- (a) the monitoring of the trade and use of pesticides and the collection of statistics in relation thereto;
- (b) the carrying out, coordination and encouragement of research on pesticides and their use;
- (c) the promotion of public awareness and training related to the use, storage, and disposal of pesticides, the dangers involved in such matters and the safeguards required;
- (d) the liaison with technical authorities of other countries in relation to pesticides;
- (e) the implementation and administration of international conventions relating to the distribution and use of pesticides to which Seychelles is a party and the compliance with international obligations relating to pesticides.

PART IV - ENFORCEMENT

20.(1) The Minister may appoint authorised officers for the purposes of this Act.

Authorised
officer and
authorised
laboratory

(2) The Minister shall issue to every authorised officer appointed under subsection (1) a certificate of authority so to act.

Powers of
authorised
officer

21.(1) An authorised officer may -

- (a) inspect, examine, take samples and analyse any pesticide;
- (b) order the disposal, including export, of any pesticide which is not registered under this Act, by the owner or the person in possession of such pesticide, at the expense of the owner or person in possession;
- (c) request any person concerned in the manufacture, import, export, sale, use, storage, transport, possession or other dealing with pesticides to produce any permit, licence or other document relating to such pesticides;
- (d) where the officer has reasonable grounds to suspect that a person is not complying with this Act, to search the person or any premises, conveyance or package in the person's possession and seize and detain any matter which the officer has reasonable grounds to believe would afford evidence of such non-compliance;
- (e) arrest and detain any person whom the officer believes on reasonable grounds of having committed or being about to commit an offence under this Act for the purpose of investigation or prevention of the commission of the offence.

(2) An authorised officer shall, if so requested by any person affected, produce the certificate of authority issued under section 15(2).

(3) An authorised officer may, where the authorised officer considers it necessary, call for and obtain the assistance of any police officer or an officer of the trades tax division, postal or agricultural services of the Government in carrying out the functions of the authorised officer under subsection (1) and such officer shall be bound to render such assistance to the authorised officer.

PART V - OFFENCES

22. Any person who -

Offences

- (a) contravenes section 10 or section 11 or section 12(1) and (3);
- (b) intentionally obstructs or hinders any authorised officer or any officer rendering assistance to an authorised officer in the exercise of the function of such officer under this Act;
- (c) fails to comply with any order or request made by an authorised officer under this Act;
- (d) in an application under section 9(2) furnishes false or misleading particulars;
- (e) alters or modifies any permit issued under this Act;
- (f) contravenes any regulations made under this Act,

is guilty of an offence and is liable on conviction to a fine of R5000 and imprisonment for 1 year and, if the conviction is for a second or subsequent offence under the Act, is liable to a fine of R10,000 and imprisonment for 2 years.

(2) Where a person is convicted of an offence under this Act, the court may, in addition to any other penalty imposed under subsection (1), order to be forfeited to the Republic any thing used in the commission of the offence or the proceeds of the sale of such thing, if already sold by the person convicted.

(3) Any thing which has been forfeited under subsection (2) may be disposed in such manner as the Minister thinks fit.

23. The Minister may for a breach of any condition in a licence or permit in relation to pesticides granted under any other written law suspend the licence or permit for a period of 21 days where the Minister is opinion that such action is necessary in the public interest or for the protection of public health and the environment and shall inform the authority granting the licence or permit of such action.

Minister's powers in relation to licences and permits under other written laws

PART VI - MISCELLANEOUS

24. The Director General may delegate in writing any of functions of the Director General under this Act to any other officer of the Ministry responsible for Health.

Delegation

Regulations

25.(1) The Minister may, after consulting the Board, make regulations -

- (a) with the concurrence of the Minister responsible for Agriculture, to improve the safe and efficient use, storage, handling and disposal of pesticides in agriculture;
- (b) with the concurrence of the Minister responsible for Health, to protect the public health and, in particular, the health of workers against the hazards arising from the manufacture, use, storage, handling and disposal of pesticides;
- (c) with the concurrence of the Minister responsible for Environment, to protect the environment against the hazards arising from the manufacture, use, storage, handling and disposal of pesticides.

(2) Without prejudice to subsection (1), the Minister may make regulations for carrying out the provisions of this Act and in particular-

- (a) for the control of pesticides in transit;
- (b) for the handling of pesticides in consultation with agencies responsible for such handling;
- (c) for the regulation of pest control services including those employed in such service;
- (d) for the import and export of pesticides;
- (e) for the control of the distribution, use, storage, and disposal of pesticides;
- (f) for prescribing fees for applications to register pesticides and for issue of permits under the Act;
- (g) for amending the Schedules.

This Act to
prevail over
other written
law

26. Where there is any inconsistency between any provision of this Act and any other written law, the provision of this Act shall apply.

SCHEDULE 1**REGISTERED PESTICIDES**

Section 9

1. FOR USE IN PLANT PROTECTION**A. Insecticides and Acaricides**

1. Permethrin (Ambush)
2. Dimethoate (Rogor)
3. Deltamethrin (Decis)
4. Methidathion (Ultracide)
5. Malathion
6. Carbaryl
7. Fenvalerate (Sumicidin)
8. Dicofol (Kelthane)
9. Primiphos - ethyl (Primicid)
10. Sulphur
11. Teflubenzuron (Nomolt)
12. *Bacillus thuringiensis* (Thuricide, B.T)

B. Fungicides

13. Benomyl (Benlate)
14. Mancozeb (Dithane M - 45)
15. Copper hydroxide
16. Copper oxychloride
17. Metalaxyl (Ridomil)
18. Dimethirimol (Milcurb)
19. Sulphur
20. Chlorothalonil (Bravo)

C. Nematicides

21. Fenamiphos (Nemacur)

D. Molluscicide

22. Metaldehyde (Snail pellets)

E. Rodenticides

- 23. Brodifacoum (Klerat)
- 24. Difenacoum (Tornado block bait)

F. Herbicides

- 25. Paraquat (Gramoxone)
- 26. Glyphosate (Round-up)

2. ECTOPARASITICIDES FOR VETERINARY USE

Aquila Shampoo	Gamma BHC 0.75, Formaldehyde
Alugan concentrate	Bromocyclene
Aludex	Amitraz 5%
Triatrix	Amitraz 2%
Bayopet Tick & Flea powder	Propoxur 1% m/m
Bayopet Tick Rinse	Flumethrin (Synthetic Pyrethroid)
Cooperzon 30	Diazinon 30% m/v
Clout	<i>Deltamethrin 1% m/v</i>
Pyrepet Shampoo	Natural Pyrethrum 0.5%
Karbadip	Carbaryl 50% m/v
Spotton	Fenthion Methyl 10% m/v
Swift	Permethrin 4% m/v
Shampooch Plus	Cypermethrin 0.05% m/v <i>Piperonyl butoxide 0.05% m/m</i> Carbaryl 5% m/m hexachlorophane 1% m/m
Secta Shampoo	Pyrethrins Peronyl butoxide
Bacdip	Quinthiophos
Acclaim Plus	Trichloroethane (Permethrine & Methoprene)
6ix-a-cide	Phoxim 50% m/v
Milborrow wound Oil	Dichloropen 1% propetamphos 0.25% m/v

Rofenone	Rotenone
Tetmosal Solution	Monosulfiram 25.0% m/m
Tetmosal soap	Monosulfiram 5% m/m

3. **BIOCIDES FOR USE BY MINISTRY RESPONSIBLE
FOR HEALTH**

Diazinon
Fenthion
Fenitrothion
2% d-Phenothrin ("Extermisect")
Permethrin
Deltamethrin (K-othrin, Decis)
Synergist SV1
B.T. H-14 (Biological control of larvae)
Ficam
Baygon
Temephos

4. **HOUSEHOLD PESTICIDES**

1. Insecticide

(A) For flying insects

Pyrethrins (Shelltox)
Allethrin (Pynamin)
Tetramethrin (Neo-Pynamin)
Resmethrin (Chryson)
Prallethrin (Etoc)
Diazinon
DDVP

(B) For crawling insects

Fenitrothion (Sumithion)
Malathion
Chlorpyrifos (Dursban)
Propoxur (Baygon)
Bendiocarb
Carbaryl
Permethrin
Cypermethrin
Phenothrin (Surithrin)

-
- Cyphenothrin (Gokilaht)
Deltamethrin
- (C) For larviciding
- Fenitrothion (Sumithion)
Temephos (Abate)
2. Insect Growth Regulator
- Pyriproxyfen (Sumilarv)
Methoprene (Altosid)
Fenoxycarb (Insegar)
Cyromazin (Neporex)
Diflubenzuron (Dimilin)
3. Attractant
- Muscalure (Z-9 tricosene) - sex pheromone for housefly
Metaldehyde - attractant and molluscicide for slugs and snails
4. Repellent
- Diethyl toluamide (DEET) - mosquito
MGK 874 - cockroach, ant, fly
5. Synergist
- Piperonyl butoxide (PBO)
MGK 264
Sulfoxide
IBTA

SCHEDULE 2

Section 12

Labelling Requirements

1. No person shall sell or offer or store or give to any person a pesticide whether in a large or small package unless it bears a label (or has an attached information sheet) which complies with the following labelling requirements :
 - i. Both trade name and common name.
 - ii. Description of use (eg. Insecticide, Fungicide, Wood-preservative)
 - iii. Names of active ingredients with its amount or percentage composition.

- iv. Net weight or volume of the contents in the container.
 - v. Name of importer and manufacturer or packager.
 - vi. Directions for use, including warnings and safe periods.
 - vii. Dates of packaging and expiry.
 - viii. Safety precautions.
 - ix. Important symptoms of poisoning, First Aid, and any specific antidote.
 - x. International hazard symbol and hazard statement, with the colour band at the bottom at least 15% of the height of the label.
2. The label must be printed in Kreol or English or French or a translation of another language label must be attached to the container in Kreol and English. The label and tie-on label must be legible and easy to read.
 3. The statement "**KEEP LOCKED UP OUT OF REACH OF CHILDREN**" should be included on each label.
 4. The hazard symbol and classification is to be printed prominently on the label and is as given in the following table :

**Table of Symbols and Statements Based on the WHO
Hazard Classification**

Class	Hazard Statement	Colour Code	Pictorial symbol	Acute	LD 50 (rat)			
				mg/kg	Oral	Liquid	Dermal	Liquid
				Solid			Solid	Liquid
I a	Extremely hazardous. VERY TOXIC	Red (pan-tone red 199-c)	Skull & Cross-bones	5 or less	20 or less	10 or less	40 or less	
I b	Highly hazardous. TOXIC	Red (pan-tone red 199-c)	Skull & Cross-bones	5-50	20-200	10-100	40-400	

II	Moderately hazardous. HARMFUL OR IRRITANT	Yellow (pan-tone) yellow-c)	St. Andrews Cross	50-500	200-2000	100-1000	400-4000
III	Slightly hazardous. CAUTION	Blue (pan-tone blue 293-c)	-	Over 500	Over 2000	Over 1000	Over 4000

5. The following terms are not permitted to be printed on the label: SAFE, HARMLESS, NON-TOXIC, NON-POISONOUS, NON-INJURIOUS, THE BEST, MOST EFFECTIVE, UNRIVALLED.

6. In the Schedule -

"Label" means the written, printed, or graphic matter on or attached to, the package containing a pesticide; or the immediate container thereof and the outside container or wrapper of the retail package of the pesticide;

"Common name" means the name assigned to a pesticide active ingredient by the International Standards Organization or adopted by the Seychelles Bureau of Standards to be used as a generic or non-proprietary name for that particular active ingredient only.

"LD50" means dose of toxicant required to kill 50% of test animals. A dosage of -
 5 mg/kg body wt. is equal to a few drops ingested or a splash in the eye;
 5-50 mg/kg body wt. is equal up to a teaspoonful; and
 50-500 mg/kg body wt. corresponds to up to 2 tablespoonfuls.

SCHEDULE 3

**CERTIFICATE OF REGISTRATION
OF PESTICIDES**

Section 9(4)

.....
 of..... has
 registered the pesticide(s), the particulars of which appear below. This registration is
 valid for one year with effect from subject to the conditions stated on
 the reverse of this registration form.

An import permit or licence may be issued on the basis of this registration,
 subject to conditions required by the issuing authority. Import should be in one or
 two consignments only.

Particulars of Pesticide(s)

Trade Name	Common Name and Active Ingredient	Place(s) of Storage/Use	Quantity Hazard Classification
---------------	--	----------------------------	-----------------------------------

Date _____ Registrar of Pesticides _____

**SCHEDULE 4
SCHEDULE OPERATIONS**

An operation of any one of the following descriptions in this Schedule is a Scheduled Operation.

- (I) Opening a package containing, or diluting, mixing or transferring from one container to another, any pesticide other than a household biocide;
- (II) Spraying any ground crop, trees, bushes or climbing plants with any pesticide, other than a household biocide;
- (III) Washing or cleaning any spraying apparatus that has been used for spraying a pesticide other than a household biocide;
- (IV) Spraying, fogging or applying a pesticide, other than a household biocide, in a building;
- (V) Any single operation specified in paragraphs (I) to (IV) where a household biocide in excess of 250 grammes or 1 litre is being used or dealt with.