



No. 2 of 2002

I assent,

(SIR COLVILLE N. YOUNG)

*Governor-General*

26<sup>th</sup> February, 2002.

**AN ACT to amend the Pesticides Control Act, Chapter 216 of the Substantive Laws of Belize, Revised Edition 2000, to strengthen the operations of the Pesticides Control Board by replacing the position of Secretary of the Board with that of Registrar of the Board; to better classify pesticides for administrative purposes by introducing the concepts of “general use pesticides” and “restricted use pesticides”; to vary the composition of the Pesticides Control Board; to allow for the making of regulations providing for codes of practice for the safe handling of pesticides by users; and to provide for matters connected therewith or incidental thereto.**

*(Gazetted 2<sup>nd</sup> March, 2002.)*

***BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:-***

1. This Act may be cited as the

**Short title.**

**PESTICIDES CONTROL (AMENDMENT) ACT, 2002.**

**CAP. 216.** and shall be read and construed as one with the Pesticides Control Act, which is hereinafter referred to as the principal Act.

**Amendment of section 2.** 2. Section 2 of the principal Act is hereby amended as follows:-

**(a)** by repealing the definition of “pesticide” and by replacing it by the following:-

“pesticide” means any substance intended for preventing, destroying or controlling any pest or any vector of human, animal or plant disease, and includes any substance intended for use as a plant growth regulator, defoliant, desiccant, agent for thinning fruit, or for preventing the premature fall of fruits, or a substance applied to crops either before or after harvest to protect the commodity from deterioration during storage and transportation, and any substance applied externally to animals for the control of ectoparasites;’;

**(b)** by repealing the definitions of the expressions “registered pesticide” and “restricted pesticide” and replacing them by the following definitions in their proper alphabetical order:-

“general use pesticide” means a pesticide registered as a pesticide and intended for use according to the label;

“restricted use pesticide” means a pesticide which, if used in accordance with a widespread and commonly recognised practice, may generally cause, without additional regulatory action, unreasonable adverse effects on the environment, including the applicator and other people:

Provided that the terms “registered pesticide” and “restricted pesticide” shall be construed to mean “general use pesticide” and “restricted use pesticide” respectively wherever they occur in this Act and in subsidiary legislation;’;

- (c) by adding the following definitions in their proper alphabetical order:-

“code of practice” means Regulations made by the Minister on the recommendations of the Board under section 15(1)(s) containing requirements to be followed in a regulation to achieve safe pesticide use and handling;

“producer association” means a formally established body representing the interests of producers in agriculture or animal production which is interested in or is affected by the control of pesticides, including the Beekeepers Industry, the Belize Livestock Producers Association, the Citrus Growers Association, the Grain Growers Association, the Banana Growers Association, the Cane Farmers Association and any other similar associations;

“Registrar” means the employee of the Board responsible for registers of pesticides under section 10 of the Act;’;

- (e) by repealing the definition of the word “Secretary”.

3. Section 4 of the principal Act is hereby amended as follows:-

**Amendment  
of section 4.**

- (a) by adding a new paragraph (i) in subsection (1) of this section immediately after paragraph (h) as follows:-

**“(i) to train, or to arrange for the training of, persons in the safe use of pesticides.”;**

**(b) by adding the following new subsection immediately after subsection (2) of this section:-**

**“(3) The Board may establish committees to assist it in the performance of its functions and the exercise of its powers, and may abolish any such committees.**

**(4) A committee established by the Board under this section may be constituted wholly by members of the Board, or partly by members of the Board and partly by other persons, including technical experts in any area under consideration by such committee.**

**(5) The Board may from time to time, in writing, determine:-**

**(a) the manner in which a committee is to perform its functions;**

**(b) the terms of reference of a committee when considering any matter;**

**(c) the procedure to be followed at or in relation to meetings of the committee, including matters relating to:-**

**(i) the convening of meetings of the committee, and**

**(ii) the number of members of the committee who are to constitute a quorum at any meeting of the committee; and**

- (d) the selection of a member of the committee to preside at meetings of the committee; and
- (e) the manner in which questions arising at a meeting of the committee are to be decided.”.

4. Section 9 of the principal Act is hereby amended by repealing the proviso to this section.

**Amendment of section 9.**

5. Section 10 of the principal Act is hereby amended as follows:-

**Amendment of section 10.**

- (a) by repealing the word “Secretary” wherever occurring therein and by replacing it by the word “Registrar”;
- (b) by repealing subsection (2) and by replacing it by the following:-

“ (2) The registers kept pursuant to subsection (1) shall be open to inspection by any member of the public at all reasonable times and a copy of each register shall be published in the *Gazette* at such times as may be prescribed, except that the yearly publication of the Second, Third and Fourth Schedules to this Act shall be sufficient publication of the Register of Pesticides.”.

**Second, Third and Fourth Schedules.**

6. Section 11 of the principal Act is hereby amended by repealing the word “Secretary” occurring therein and by replacing it by the word “Registrar”.

**Amendment of section 11.**

7. Section 12 of the principal Act is hereby amended by repealing the word “Secretary” wherever occurring therein and by replacing it by the word “Registrar”.

**Amendment of section 12.**

**Amendment  
of section 15.**

8. Section 15 of the principal Act is hereby amended in subsection (1) by adding a new paragraph (s) immediately after paragraph (r) as follows:-

“(s) for regulating the adoption of codes of practice for safe pesticide use and handling.”.

**Amendment  
of section 19.**

9. Section 19 of the principal Act is hereby amended in subsection (1) by repealing the words “one thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment” occurring therein and by replacing them by the words “five thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment”.

**Amendment  
of First  
Schedule.**

10. The First Schedule to the principal Act is hereby amended as follows:-

(a) by repealing paragraph 1 thereof and by replacing it by the following:-

“1.(1) The Board shall consist of not more than fourteen members appointed by the Minister, of whom:-

(a) four shall be persons nominated by producer associations, there not being more than one member for any one producer association;

(b) one shall be an officer of the Ministry responsible for Agriculture;

(c) one shall be an officer of the official body responsible for plant and animal health, nominated by the Managing Director of that body;

(d) one shall be an officer nominated by the Chief Executive Officer of the Ministry responsible for Health;

- (e) one shall be an officer nominated by the Chief Executive Officer of the Ministry responsible for the Environment;
- (f) six shall be members appointed by the Minister in his discretion from persons with knowledge of agriculture or the field of pesticides.

(2) The Minister shall consider rotating appointments under subparagraph (1)(a) above among the different producer associations in the interests of effectiveness and fairness.

(3) In appointing the members of the Board, the Minister shall consult with any organisation interested in or affected by the control of pesticides.

(4) Members of the Board shall officially appoint alternates for attendance of meetings on their behalf, when necessary, in the case of the inability of such members to attend meetings.

(5) In the case of persons appointed to the Board, other than officers appointed under subparagraph (1)(b), (c) (d) and (e), if a member or his alternate fails to attend three consecutive meetings without good cause, he shall vacate his position on the Board and the Minister shall consider an appointment from another organisation.”;

- (b) by repealing paragraph 6 thereof and by replacing it by the following:-

“6. The Registrar shall be appointed by the Board, subject to approval by the Minister”.