

THE PESTICIDES ACT

REGULATIONS
(*under section 16*)

The Pesticides Regulations, 1996

L.N. 10/96
40/99
86/2004
106A/2004

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(under section 16)

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(Made by the Pesticides Control Authority and approved
by the Minister on the 22nd day of January, 1996)

L.N. 10/96
Amdt.
L.N. 40/99
86/2004
106A/2004

[22nd January, 1996.]

1. These Regulations may be cited as the Pesticides Regulations, 1996.

Citation.

2. In these Regulations—

Interpretation.

“accompanying instructions” means any separate document containing instructions that is supplied with a package;

“certificate” means a certificate issued pursuant to regulation 15;

“commercial pest control applicator” means a person who, for purposes of business, uses, applies or supervises the application of a restricted pesticide;

“licensee” means a person to whom a license is issued under these Regulations;

“private applicator” means a person who, other than for purposes of monetary compensation, uses, applies or supervises the

application of a restricted pesticide on property owned, leased or rented by him, his employer or any other person and includes a small farmer;

“serviceman” means a person certified by the Authority and who is employed to assist a pest control applicator.

“trade name” means the internationally recognized or nationally registered commercial name under which a pesticide is marketed.

Registration of Pesticide

Application for
registration of
pesticide.
First
Schedule.
Form 1.

3.—(1) A person who is desirous of registering a pesticide shall apply to the Authority in the form set out as Form 1 in the First Schedule.

(2) Every application under paragraph (1) shall be accompanied by a fee of ten thousand dollars.

(3) Where on receipt of an application under paragraph (1) the Authority requires additional information, the Authority shall so notify the applicant who shall, within sixty days of the date of the receipt of the notification, supply the Authority with the information.

(4) Where an application is made for the registration of a pesticide under paragraph (1) and that pesticide is not approved or registered in its country of origin, the applicant shall inform the Authority of—

(a) the reason for the non-approval or non-registration; and

(b) any approval or registration of the pesticide in a third country.

4.—(1) The Authority, on receipt of an application and any additional information which may be required under regulation 3, may—

Registration of pesticide.

- (a) register the pesticide;
- (b) register the pesticide for experimental purposes or for use in research only; or
- (c) refuse to register the pesticide.

(2) Where the Authority—

- (a) registers a pesticide, the Authority shall issue the applicant with a certificate of registration (whether or not subject to any term or condition) in the form set out as Form 2 in the First Schedule;
- (b) registers a pesticide for experimental purposes or for use in research only, the Authority shall issue to the applicant a certificate of registration in such form as may be determined by the Authority and notwithstanding regulation 8, may issue an import licence, subject to such conditions as may be specified therein, for importation of such quantities of the pesticide as are necessary for experimentation or research.

First
Schedule.
Form 2.

(3) Where the Authority refuses to register a pesticide, the Authority shall inform the applicant in writing of its refusal and the reasons therefor.

(4) Subject to regulations 5 and 6, a certificate of registration issued under paragraph (2) (a) shall be valid for a period of five years from the date thereof.

5.—(1) The Authority may suspend any registration granted under regulation 4 (2) for any breach of a term or condition of that registration and the Authority shall notify the holder of the relevant certificate in writing stating the nature of the breach and that until the breach is remedied, the registration is suspended.

Suspension of registration.

(2) Where any registration is suspended under paragraph (1) the holder of the relevant certificate shall forthwith return that certificate to the Authority.

(3) Where the breach is remedied, the person concerned shall so inform the Authority in writing and the Authority shall cause an inspection to be carried out to determine whether the breach is remedied, and, if on such inspection the Authority is satisfied that the breach has been remedied, the Authority shall return the certificate to that person.

Cancellation of registration.

6.—(1) The Authority may cancel any registration granted under regulation 4 (2) if—

- (a) the Authority is satisfied that the use of the pesticide has, or is likely to have, a detrimental effect on the environment or is likely to be a danger to public health;
- (b) there is a change in the trade name of the pesticide; or
- (c) the pesticide is withdrawn by the manufacturer.

(2) Where the Authority cancels any registration under paragraph (1), the Authority shall in writing notify the person to whom the relevant certificate was issued stating the reasons for the cancellation and requesting that the certificate be returned to the Authority forthwith.

Application for registration.

7.—(1) Unless cancelled under regulation 6 (1), registration granted under regulation 4 (2) may be renewed on application therefor within thirty days before the date of expiration.

(2) An application for re-registration of a pesticide shall—

- (a) be in the form set out as Form 3 in the First Schedule; and

First Schedule.
Form 3.

- (b) be accompanied by a fee of seven thousand five hundred dollars.

(3) A person who applies for re-registration of a pesticide shall, where requested by the Authority, provide additional information relating to the pesticide within three months of that request or such longer period as the Authority may determine.

Importation of Pesticide

8.—(1) Every person who is desirous of importing a pesticide into the Island shall apply to the Authority in the form set out as Form 4 in the First Schedule for a licence so to do.

Licence to
import
pesticide.
First
Schedule.
Form 4.

(2) Every application under paragraph (1) shall be accompanied by a fee of an amount equivalent to 2 per cent of the value (cost, insurance and freight) of that pesticide.

(3) The Authority may require an applicant for a licence under this regulation to furnish to the Authority such additional information as the Authority considers necessary for the purposes of this regulation.

(4) The Authority on receipt of an application under paragraph (1) may—

(a) issue a licence in such form as may be determined by the Authority; or

(b) refuse to issue a licence.

(5) Where the Authority refuses to issue a licence under paragraph (4) (b), the Authority shall inform the applicant in writing of the refusal and the reasons therefor.

(6) A licence issued under this regulation—

- (a) may be subject to such terms or conditions as the Authority thinks fit; and
- (b) subject to paragraph (7), shall be valid for a period of six months from the date of issue.

(7) A licence issued under this regulation may be revoked for any breach of a term or condition thereof.

Manufacture of Pesticide

9.—(1) A person who is desirous of manufacturing a pesticide shall make an application to the Authority in the form set out as Form 5 in the First Schedule for a licence so to do.

(2) An application under paragraph (1)—

- (a) shall state in detail all the raw materials to be used in the manufacture of the pesticide, including any active or inert ingredients; and
- (b) shall be accompanied by a fee of seven thousand five hundred dollars.

(3) A person who applies for a licence under paragraph (1) shall, where requested by the Authority, provide additional information within three months of that request or such longer period as the Authority may determine.

(4) The Authority may, on receipt of an application under paragraph (1) and any additional information under paragraph (3)—

- (a) issue a licence for the manufacture of the pesticide in the

Application for
licence to
manufacture
pesticide.
First Schedule.
Form 5.

form set out as Form 6 in the First Schedule, subject to such terms or conditions as the Authority thinks fit; or

First
Schedule.
Form 6.

(b) refuse to issue a licence.

(5) The Authority shall, on refusing to issue a licence under paragraph (4) (b), notify the applicant in writing of the refusal and the reasons therefor.

(6) Subject to regulations 11 and 12, a licence issued under paragraph (4) (a) shall be valid for a period of five years from the date thereof.

10. A licence issued under regulation 9 to manufacture a pesticide may be renewed on application therefor within thirty days before the date of expiration thereof and the provisions of paragraphs (4) and (6) of that regulation shall apply with respect thereto.

Renewal of
licence to
manufacture
pesticide.

11.—(1) A licence to manufacture a pesticide may be suspended for any breach of a term or condition of that licence and where the Authority suspends a licence the Authority shall notify the licensee in writing stating the reason for the suspension and the time within which the breach is to be remedied and that the licence is to be returned forthwith to the Authority.

Suspension of
licence to
manufacture a
pesticide.

(2) The licensee shall, upon remedying the breach which gave rise to the suspension, inform the Authority in writing and the Authority shall cause an inspection to be carried out to ascertain whether the breach is remedied.

(3) Where upon an inspection under paragraph (2) the breach is found to be remedied, the Authority shall return the licence to the licensee.

12. The Authority shall revoke a licence to manufacture a pesticide if—

Revocation of
licence to
manufacture
pesticide.

(a) the application for the licence or a renewal thereof contains a false or misleading representation or a misrepresentation of any material particular;

(b) the person to whom the licence was granted—

(i) manufactures a pesticide which is not authorized by the licence issued to him;

- (ii) ceases to manufacture the pesticide authorized by the licence issued to him; or
 - (iii) sells the pesticide manufacturing business in respect of which a licence was issued;
- (c) the Authority is satisfied that the use of the pesticide to which the licence relates has or is likely to have a detrimental effect on the environment or is likely to be a danger to public health.

Selling of Restricted Pesticides

13.—(1) A person desirous of selling a restricted pesticide shall make an application to the Authority in the form set out as Form 7 in the First Schedule for a licence to sell such a pesticide and to register the premises in which the pesticide is to be sold as a registered premises.

(2) An application made under paragraph (1) shall—

- (a) state in detail measures to be taken to meet safety standards in the storing and handling of restricted pesticides;
- (b) state the address of the premises where the restricted pesticides are to be sold;
- (c) be accompanied by a fee of seven thousand dollars.

(3) The Authority shall, on receipt of an application under paragraph (1), cause an inspection of the premises to be carried out.

(4) The Authority may, after an inspection has been carried out under paragraph (3)—

- (a) issue a licence in the form set out as Form 8 in the First Schedule; or
- (b) refuse to grant a licence.

(5) A licence issued under paragraph 4 (a)—

- (a) may be subject to such terms or conditions as the Authority sees fit;
- (b) shall, subject to sub-paragraph (d), be valid for a period of three years from the date of issue;
- (c) may be renewed;
- (d) may be revoked for a breach of a term or condition thereof.

(6) Where the Authority refuses to issue a licence under paragraph (4) (b), the Authority shall inform the applicant in writing of the reasons for the refusal.

Pest Control Operation

14.—(1) A person desirous of operating as a pest control operator shall make an application to the Authority in the form set out as Form 9 in the First Schedule.

Pest control
and aerial
spraying.
First
Schedule.
Form 9.

(2) An application made under paragraph (1) shall be accompanied by—

- (a) a statement setting out in detail measures to be taken to meet safety standards in the storing and handling of pesticides; and
- (b) the appropriate fee in relation to the category of operation specified in the Second Schedule.

Second
Schedule.

(3) The Authority may, on receipt of an application under paragraph (1)—

- (a) subject to paragraph (7) and regulation 15A, issue a licence in the form set out as Form 10 in the First Schedule, subject to such terms or conditions as it thinks fit; or
- (b) refuse to issue a licence.

Form 10.

(4) A pest control operator shall—

- (a) be a certified applicator in the category for which the licence is required; or
- (b) have a certified applicator in his employ.

(5) A licence issued under paragraph (3) (a) shall, subject to paragraph (6), be valid for a period of three years from the date of issue and may be renewed.

(6) A licence issued under paragraph (3) (a) may be revoked for any breach of a term or condition of the licence.

(7) The Authority shall not issue a licence under paragraph (3) unless it has caused an inspection to be carried out of and has approved the premises where pesticides for use in pest control or aerial spraying are to be stored.

(8) Where a pest control operator intends to store pesticides at premises other than those inspected and approved under paragraph (7), he shall make an application to the Authority in such form as the Authority may determine, and the provisions of paragraph (2) (a), (3), (5), (6) and (7) shall apply in relation to that application.

(9) Where the Authority issues a licence in respect of an application under paragraph (8) and the premises named in the licence issued under paragraph (3) (a) is no longer to be used to store pesticides, the pest control operator shall forthwith return to the Authority the licence issued under that paragraph and thereupon, the Authority shall cancel that licence.

Pest Control Applicator and Serviceman

15.—(1) No person shall operate as a pest control applicator or serviceman unless he is the holder of a certificate issued by the Authority authorizing him so to act.

(2) An application for a certificate to operate as a pest control applicator or serviceman shall be in the form set out as Form 11 in the First Schedule; and—

- (a) in the case of a pest control applicator, be accompanied by the fee specified in the Second Schedule in relation to the category of operation; or
- (b) in the case of a serviceman, be accompanied by a fee of six hundred dollars.

(3) Subject to regulation 15A, the Authority may, on receipt of an application under paragraph (1)—

- (a) issue a certificate in the form set out as—

Certificate
for pest
control
applicator
and service-
man.

First
Schedule.
Form 11.

Second
Schedule.

(i) Form 12 in the First Schedule, in the case of a pest control applicator; or Form 12.

(ii) Form 13 in the first Schedule, in the case of a serviceman; or Form 13.

(b) refuse to issue a certificate.

(4) A certificate issued under paragraph (3) (a) shall, subject to paragraph (6), be valid for a period of two years from the date of issue and may be renewed on application therefor.

(5) Where under regulation 14 (3) (b) the Authority refuses to issue a licence, or under paragraph (3) (b) of this regulation, refuses to issue a certificate, the Authority shall notify the applicant in writing stating the reasons therefor.

(6) The Registrar may issue or renew a certificate for a shorter or longer term if he considers it in the public interest so to do.

15A.—(1) Before issuing a licence under regulation 14 or a certificate under regulation 15, the Authority may, if it considers necessary—

Examination
or assessment
of applicants.

(a) require an applicant for such licence or certificate to—

(i) sit a written examination in accordance with a programme developed by the Authority; or

(ii) undergo such other form of assessment as the Authority deems fit; and

(b) charge such fees as it deems appropriate, for the examination or assessment.

(2) Where the Authority takes action under paragraph (1), it shall publish a notice in a daily newspaper containing information on—

- (a) the date of each examination or assessment, as the case may require, and any other matters relating thereto; and
- (b) the amount of the fees and any other matters relating thereto.

(3) Each applicant for a certificate under regulation 15 shall demonstrate to the Authority his competence in the safe application of the type of pesticide to be used, in such manner as to prevent—

- (a) unreasonably adverse effect on the environment; and
- (b) injury to humans and animals.

(4) A certificate shall not be issued to any person who fails to demonstrate his competence to the satisfaction of the Authority.

(5) The Authority may, if it thinks fit, exempt any applicant from the requirements of paragraph (1), (2) or (3).

Re-examination.

15B. An applicant may apply for a re-examination after two consecutive failures.

Authority may issue guidelines, etc.

15C. The Authority may, in addition to issuing guidelines on the hazards in the use of pesticides, issue to pest control applicators and servicemen, standards and guidelines on the safe use and handling of pesticides covered by the certificate.

Duty of pest control applicators to supervise servicemen.

15D.—(1) A pest control applicator shall directly supervise a serviceman where the serviceman performs the same use as that specified in the certificate held by the pest control applicator.

(2) A pest control applicator shall be present at all times on the site on which the pesticide is applied.

(3) A certified pest control applicator shall be responsible for all actions by a serviceman under his supervision.

15E. Every pest control operator, pest control applicator and serviceman shall, at all times during the application of pesticides, have his certificate available for production at the request of an inspector.

Production of certificates for inspection.

15F.—(1) The Registrar may require a pest control operator to be insured or to provide a guarantee or bond of such amount as the Authority shall specify for—

Insurance and guarantees.

- (a) the reimbursement of persons who may suffer damage as a result of the operation of the pest control operator; and
- (b) any costs incurred in cleaning up or in mitigating any adverse effect on the environment.

(2) The guarantee shall be in the form of—

- (a) cash or certified cheque made payable to the Accountant General;
- (b) a security or guarantee insurance policy with a stipulation that it is joint and several; or
- (c) an irrevocable letter of credit issued by a bank, credit union or other licensed financial institution.

(3) Guarantees shall be deposited with the Accountant General for the term of the certificate or until the expiry of twelve months following the date of the expiry of the certificate or revocation of the certificate, whichever first occurs.

15G.—(1) Subject to paragraph (2), the Authority may—

Suspension or revocation of certificates.

- (a) suspend a certificate issued pursuant to regulation 15 if the holder thereof fails to follow the guidelines issued pursuant to regulation 15C;

(b) revoke a licence issued pursuant to regulation 14 where the licensee—

- (i) makes any false or misleading statements during or after an inspection by an inspector;
- (ii) fails to conform to guidelines issued by the Authority with respect to a pesticide or categories of pesticides for which the certificate is granted.

(2) Before taking action under paragraph (1), the Authority shall give notice in writing of the proposed action to the holder of the certificate or the licensee, as the case may require—

- (a) giving the reasons therefor;
- (b) indicating a period within which the holder may make written or oral representations on the proposed action.

Revocation of
certificate after
suspension.

15H.—(1) The Authority may, revoke any certificate suspended under regulation 15G (1) (a) and shall give notice of such revocation to the holder thereof.

(2) The revocation of a certificate shall take effect upon service of the notice referred to in paragraph (2).

(3) A person to whom a notice is given pursuant to paragraph (2) shall immediately surrender the certificate to the Authority.

Training
sessions for
renewal of a
certificate.

15L An applicant for a renewal of a certificate shall prove to the Authority that he has attended a minimum number of training sessions approved by the Authority for that purpose.

General

Registrar
to keep
registers.

16.—(1) The registers which the Registrar shall keep pursuant to section 11 of the Act shall contain the matters specified in paragraph (2) in relation to each such register.

(2) The matters referred to in paragraph (1) are as follows—

(a) in the case of the Register of Pesticides—

- (i) the trade name of the pesticide;
- (ii) the physical form of the pesticide;
- (iii) the type of pesticide;
- (iv) the date of registration of the pesticide;
- (v) the registration number of the pesticide;
- (vi) the names and concentrations of active and inert ingredients in the pesticide;
- (vii) the name of the manufacturer of the pesticide;
- (viii) the country of origin of the pesticide;
- (ix) restrictions on the use of the pesticide, if any;
- (x) the date of re-registration of the pesticide;
- (xi) the name of the person registering the pesticide;
- (xii) the names of pesticides, the use of which are prohibited;
- (xiii) the date of suspension or revocation of registration
- (xiv) the fee paid;

(b) in the case of the Register of Licences—

- (i) the date of application for a licence to import or manufacture a pesticide;
- (ii) the name and address of the person applying for a licence to import or manufacture a pesticide;
- (iii) the trade name of the pesticide;
- (iv) the quantity of the pesticide to be imported or manufactured;
- (v) in the case of importation of a pesticide the value thereof, that is to say, the total of the cost, insurance and freight;
- (vi) the fee paid;
- (vii) the date on which a licence to import or manufacture is issued;
- (viii) the number of the licence;
- (ix) the date of renewal of the licence;
- (x) the date of suspension or revocation of a licence;

- (vii) the date on which a licence to import or manufacture is issued;
 - (viii) the number of the licence;
 - (ix) the date of renewal of the licence;
 - (x) the date of suspension or revocation of a licence;
- (c) in the case of the Register of Authorized Persons and Registered Premises—
- (i) the name of the authorized person;
 - (ii) the address of the authorized person;
 - (iii) the date of application for a licence to sell restricted pesticides;
 - (iv) the date of issue of the licence;
 - (v) the number of the licence;
 - (vi) the date of renewal of the licence;
 - (vii) the date of suspension or revocation of the licence;
 - (viii) the address of the registered premises;
 - (ix) the date of inspection of the registered premises and the names of the restricted pesticides found on those premises;
 - (x) the findings of an inspection;
- (d) in the case of the Register of Pest Control Operators—
- (i) the name and address of the pest control operator;
 - (ii) the date of application for a licence;
 - (iii) the category in respect of which the licence is granted;
 - (iv) the date of issue of a licence under paragraphs (3) (a) and (9) of regulation 14;
 - (v) the number of the licence;
 - (vi) the names of certified applicators;
 - (vii) the date of application for a licence to operate as a pest control applicator or as a serviceman;
 - (viii) the date of issue of the licence and the number thereof;

- (ix) the type of licence;
- (x) the date of renewal of the licence;
- (xi) the fee paid for the licence;
- (xii) the date of suspension or revocation of the licence;
- (xiii) the date on which an inspection of premises on which pesticides are to be stored is carried out;
- (xiv) the findings of an inspection.

(3) The Registrar shall keep such other records as the Authority considers necessary.

(4) The Registrar shall, during working hours, make a copy of each register available for the inspection by the public.

16A.—(1) Every pest control operator shall keep a record of each pesticide imported or used by that operator.

Records of pesticides imported or used.

(2) Such a record shall be kept for a period of three years and shall include—

- (a) the name of the pesticide;
- (b) the types of formulation used; and
- (c) the location where the pesticide was used.

17.—(1) Every container in which a registered pesticide is packaged, transported, stored, sold or otherwise distributed shall carry a label which complies with the requirements of the national labelling standards as specified by the Bureau of Standards.

Labelling.

(2) Where any container in which a registered pesticide is packaged has accompanying instructions, the manufacturer or distributor of that pesticide shall ensure that those instructions conform with the requirements of the national labelling standards.

(3) The Authority may require that there be included in the label referred to in paragraph (1), such additional information as the Authority considers necessary in the interest of public safety.

18.—(1) Any person who is aggrieved by the performance of the holder of a certificate or a licensee may make a complaint to the Authority or the Consumer Affairs Commission.

Complaints to the Authority.

(2) The complaint shall contain information as to—

- (a) the name and address of the holder of the licence or certificate;
- (b) the date, time and duration of incidence;
- (c) the exact location of the area affected;
- (d) the weather conditions (wind, temperature and humidity);
- (e) the symptoms of harm to people, plants and animals;
- (f) the type of pesticide used if known;
- (g) details of any notification provided prior to the application of the pesticide;
- (h) the name and address of any other witness.

(3) The Authority shall conduct investigations in relation to such a complaint and take such action as it considers appropriate in the circumstances, including—

- (a) the suspension or revocation of a licence or certificate; or
- (b) the issue of a stop order pursuant to regulation 20.

Contamination
of human
or animal
consumption.

19.—(1) Any person transporting a pesticide that contaminates any commodity intended for human or animal consumption shall—

- (a) immediately isolate such commodity;
- (b) immediately inform the Registrar of such contamination; and
- (c) carry out the instructions of the Registrar in relation to any remedial action.

(2) Any person who contravenes paragraph (1) commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty-five thousand dollars or to imprisonment for a term not exceeding five months or to both such fine and imprisonment.

Stop order.

20.—(1) The Authority shall act in accordance with paragraph (2) where it appears to the Authority that, in relation to a pesticide for which a licence has been issued, a pest control operator, pest control applicator or serviceman, as the case may be—

- (a) uses the pesticide in a manner inconsistent with the manufacturer's instructions; or
- (b) is otherwise negligent in the use of such pesticide.

(2) The Authority shall serve or cause to be served on the pest control operator, a stop order in the form set out in the Schedule preventing the sale, distribution or use of the pesticide. Schedule.

(3) A stop order shall state—

- (a) the name and address of the person to whom it is directed;
- (b) the basis on which the stop order is made;
- (c) that the stop order takes the effect from the time it is served; and
- (d) the period for which the stop order is effective.

(4) Where the stop order is served on any person referred to in paragraph (2), a copy thereof shall be posted in a conspicuous place on the premises of that person for a period of not less than fourteen days.

21. The Court may, if it appears that a public authority has incurred costs and expenses in connection with the prevention, control, abatement or mitigation of any pesticide pollution caused by the prevention, order the offender to pay to the public authority the costs and expenses so incurred, or compensation for the loss or damage suffered in such amount as the Court may specify. Powers of the Court.

22.—(1) Any person who operates as a pest control applicator or serviceman outside the category for which a certificate is granted commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding forty thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment. Offences and penalties.

(2) Any person who operates as a pest control operator without a valid licence, or a pest control applicator or serviceman without a valid certificate commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

(3) Any person who distributes or sells restricted pesticides to any person who is not licensed as a pest control operator, or certified as a pest control applicator or serviceman, commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

(4) Any pest control applicator or private applicator who detaches, or attaches an incorrect mark, alters, defaces or destroys in whole or in part any label on any restricted pesticide commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(5) Any person who wilfully obstructs any inspector in the course of his duty commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(6) Any licensee or person who holds a certificate or who falsifies any information relating to the application of any pesticide commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding forty thousand dollars or to imprisonment for a term not exceeding five months or to both such fine and imprisonment.

(7) Any person who fails to keep records as required under regulation 16A commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

Offences
relating to the
misuse of
pesticides.

23. Any person who negligently uses any pesticide in any manner that endangers the life of any person, flora or fauna or causes harm to the environment commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Inconsistent
use of label.

24. Any person who uses a pesticide in a manner inconsistent with the label commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

Drawing of
water in a
pesticide
container.

25. Any person who draws water directly from surface water, a well, public or private water system into a pesticide container or an apparatus used for the mixing or application of a pesticide commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

26. Any person who transports or causes or permits a pesticide to be transported in a commercial or private vehicle together with commodities intended for human or animal consumption that are not separated in a manner that prevents contamination of those commodities by the pesticides, commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

Transportation of pesticide.

27. Any person who fails to comply with a stop order issued under regulation 20 commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or in default of payment to imprisonment for a term not exceeding six months.

Failure to comply with a stop order.

28.—(1) The Authority may amend the categories of certificates specified in the Second Schedule by a notice published in the *Gazette*.

Amendment of Second Schedule.

FIRST SCHEDULE

(Regulations 3 (1), 4 (2), 7 (2), 8 (1), 9 (1) and (4), 13 (1), 14 (1) and (3), 15 (1) and (2))

FORM 1

APPLICATION FOR REGISTRATION OF A PESTICIDE

PART A

Name of Applicant _____

Address of Applicant _____

Proprietary name of pesticide _____

Common names of all active ingredients _____

Common names of all inert ingredients _____

Percentage content of all active ingredients _____

Percentage content of all inert ingredients _____

Physical form of pesticide _____

FIRST SCHEDULE, *contd.*

Packaging (containers and size) _____

Proposed use of pesticide _____

SUPPLEMENTARY INFORMATION

PART B

1. Information on hazards to persons using or handling the pesticide.

2. Details of first-aid and medical measures.
(This should include antidotes which should be taken in cases of suspected poisoning by pesticides)

3. Details of the physical form, packaging and complete composition of the pesticide.

4. Information with respect to conditions attached to the sale, use and export in the country of origin and manufacture.

5. Information concerning restrictions placed on use of the pesticide in the country of origin and other countries.

6. List of countries in which the pesticide was registered and any conditions required for its use.

(The country of manufacture not to be included)
7. Details of residues present in the food and the environment following use of pesticide in accordance with recommendations described in number 12.

FIRST SCHEDULE, *contd.*

8. Details on the degradation kinetics of the active ingredients under tropical conditions.
-

9. Toxicity data on the pesticide and its effect on domestic animals, wild life, birds, fish and bees.

(This should include details of hazards involved and epidemiological data)

10. Data on the efficacy of the pesticide under field trials.
-
-

11. Data on phototoxicity _____
-

12. Detailed methods of analysis for specification on the pesticide as set out in "The FAO Specifications for Plant Protection Products" approved by either the Council or the Association of Official Analytical Chemists for the Pesticide.
-
-
-

13. Shelf life of the product and storage instructions under tropical conditions.
-
-

14. Recommended withdrawal time for consumption for each crop or commodity in the case of man or animal.
-

(Documents and samples to be produced)

15. Copy or draft of the label and accompanying instructions proposed for use of the pesticide in respect of different amounts or size in packing.
16. Give any other relevant information in addition to that given on the face of—
- (a) the label or any accompanying instructions or precautions;
 - (b) equipment, clothing or facilities recommended to prevent hazards to persons using or handling the pesticide.
-
-
-

THE PESTICIDES REGULATIONS, 1996

FIRST SCHEDULE, contd.

- 17. For imported products seeking registration, a duly authenticated certificate of registration, or letter from the grantor of the licence of the pesticide in its country of origin.
- 18. Copies of labels and accompanying instructions approved in the country of origin of the pesticides.
- 19. Five samples of each packing of the product in the form in which the product is to be sold.

Signature of Applicant

Date

FOR OFFICIAL USE ONLY
TO BE COMPLETED BY THE REGISTRAR

Date registered or refused by the Authority _____

Registration number _____

Reason for refusal _____

Signature of Registrar

Date

FORM 2

CERTIFICATE OF REGISTRATION OF A PESTICIDE

Registration number _____

This is to certify that the pesticide _____

_____ (proprietary designation)

containing _____

_____ (active ingredients and percentages)

in the physical form of _____

packed as _____

has been duly registered as a pesticide under the Pesticides Act subject to the following terms and conditions:

This Certificate is issued to _____

of _____

Chairman, Pesticides Control Authority

Date

FIRST SCHEDULE, *contd.*

FORM 3

APPLICATION FOR RE-REGISTRATION OF PESTICIDE

1. Proprietary name of pesticide _____

2. Registration number _____
3. Physical form _____
4. Packagings _____
(size and type of containers)
5. Full name and address of manufacturer _____

6. Name and address of applicant _____

7. Details of uses of the pesticide _____

Signature of Applicant

Date

**FOR OFFICIAL USE ONLY
TO BE COMPLETED BY THE REGISTRAR**

1. Date registered or refused by Authority _____
2. Re-registration number _____
3. Reason for refusal _____

Signature of Registrar

Date

THE PESTICIDES REGULATIONS, 1996

FIRST SCHEDULE, contd.

FORM 4

APPLICATION FOR LICENCE TO IMPORT A REGISTERED PESTICIDE

- 1. Importer's name _____
- 2. Importer's address _____

- 3. Product name of pesticide and formulation _____

- 4. Quantity and package size _____
- 5. Manufacturer's name and address _____

- 6. Supplier's name and address _____

- 7. Address of premises where pesticide is to be stored _____

- 8. Purpose of importation _____

Signature of Applicant

Date

FOR OFFICIAL USE ONLY

- 1. Date application accepted or refused _____
- 2. Licence Number _____
- 3. Reason for refusal _____

Signature of Registrar

Date

FIRST SCHEDULE, contd.

FORM 5

APPLICATION FOR LICENCE TO MANUFACTURE PESTICIDE

- 1. Name of Manufacturer _____
- 2. Address of Manufacturer _____
- 3. Address of premises where pesticide is to be manufactured _____

- 4. Trade name of pesticide _____
- 5. Common name and percentage of active ingredients _____

- 6. Common name and percentage of inert ingredients _____

- 7. Package size(s) to be marketed _____

Note: This application is to be accompanied by three sample labels of the product.

Signature of Applicant

Date

FOR OFFICIAL USE ONLY

- 1. Analytical report _____

- 2. Date licence granted and number _____
- 3. Date refused and reasons therefor _____

Signature of Registrar

Date

THE PESTICIDES REGULATIONS, 1996

FIRST SCHEDULE, *contd.*

FORM 6

LICENCE TO MANUFACTURE A PESTICIDE

NO. _____

This is to certify that _____
 of _____ in the parish of _____
 is hereby licensed to manufacture a pesticide, the trade name of which
 is _____

Dated this _____ day of _____, 19 _____

Chairman, Pesticides Control Authority

TERMS OF LICENCE

This licence is granted subject to the relevant provisions of the Pesticides Regulations, 1996.

FORM 7

APPLICATION FOR LICENCE TO SELL RESTRICTED PESTICIDE

1. Applicant's name _____
2. Applicant's address _____
3. Name of premises where pesticide is to be sold _____

4. Address of premises where pesticide is to be sold _____
5. Measures to be taken to meet safety standards in the storing and handling
 of restricted pesticides _____

Signature of Applicant

Date

FIRST SCHEDULE, *contd.*

FOR OFFICIAL USE ONLY

1. Date application granted or refused _____
2. Licence number _____
3. Reason for refusal _____

Signature of Registrar _____
Date

FORM 8

LICENCE TO SELL RESTRICTED PESTICIDE

NO. _____

This is to certify that _____
 of _____ in
 the parish of _____ is hereby
 licensed to sell restricted pesticides at the registered premises.

Dated this _____ day of _____ 19 _____

Chairman, Pesticides Control Authority

TERMS OF LICENCE

This licence is granted subject to the relevant provisions in the Pesticides Regulations, 1996.

FORM 9

APPLICATION FOR A LICENCE TO OPERATE

AS A PEST CONTROL OPERATOR

Application No. _____

1. Name of Applicant _____
2. Address of Applicant _____

THE PESTICIDES REGULATIONS, 1996

FIRST SCHEDULE, contd.

- 3. Date of birth _____
- 4. Telephone: Business _____
Home _____
- 5. Business Name _____
- 6. Business Address _____
- 7. Address where pesticides stored _____
- 8. Category of Licence: A () B () C () D () E ()
- 9. Licence status: Renewal () New applicant ()
- 10. Have you been granted a licence under the Food Storage and Prevention of Infestation Act? Yes () No ()
- 11. If the answer to number 10 is yes, state the type of licence

Signature of Applicant

Date

FOR OFFICIAL USE ONLY

- 1. Date application accepted or refused _____
- 2. Licence Number _____
- 3. Reason for refusal _____

Signature of Registrar

Date

FORM 10

LICENCE FOR PEST CONTROL OPERATOR

NO.

This is to certify that _____
of _____ in the parish of _____

FIRST SCHEDULE, *contd.*

is hereby licensed as a pest control operator in the category of LICENCE

This licence relates to premises situated at _____

which are approved for the storing of pesticides by the abovenamed operator.

Dated this _____ day of _____, 19 _____

Chairman, Pesticides Control Authority

TERMS OF LICENCE

This licence is granted subject to the provisions of the Pesticides Regulations, 1996.

FORM 11

*APPLICATION FOR CERTIFICATE FOR PEST CONTROL
APPLICATOR OR SERVICEMAN*

Application No. _____

1. Name of Applicant _____
2. Address of Applicant _____
3. Telephone _____
4. Date of birth _____
5. Name and address of employer _____

(if applicable)

- *6. Category of certificate: A () B () C () D ()
7. Certificate status: Renewal () New applicant ()
- *8. Have you been granted a licence under the Food Storage and Prevention of Infestation Act? Yes () No ()
9. If the answer to 8 is yes, state type _____

**Numbers 6 and 8 are to be answered by a Pest Control Applicator*

Signature of Applicant

Date

THE PESTICIDES REGULATIONS, 1996

FIRST SCHEDULE, *contd.*

FOR OFFICIAL USE ONLY

1. Date of application _____

2. Number of certificate _____

*Signature of Registrar*_____
Date

FORM 12

CERTIFICATE FOR PEST CONTROL APPLICATOR

Certificate No. _____

This is to certify that _____

of _____

is competent in the safe and effective use of _____

*Chairman, Pesticides Control Authority*_____
Date

FORM 13

This is to certify that _____

is hereby authorized to assist in disinfestations activities.

*Chairman, Pesticides Control Authority*_____
Date

FORM 14

APPLICATION FOR A CERTIFICATE TO OPERATE
AS A PRIVATE APPLICATOR

Application No. _____

1. Name of Applicant _____

2. Address of Applicant _____

3. Date of birth _____

4. Telephone: Business _____

Home _____

FIRST SCHEDULE, *contd.*

5. Name and address of employer _____

6. Address where pesticides are stored _____

7. Address where pesticides are to be applied _____

8. Method of disposal of containers of pesticide _____

Signature of Applicant

Date

FOR OFFICIAL USE ONLY

1. Date of application _____
2. Number of certificate _____

Signature of Registrar

Date

FORM 15

CERTIFICATE FOR PRIVATE APPLICATOR

This is to certify that _____
is hereby authorized to use restricted pesticides and supervise the use of such pesticides at _____

Chairman, Pesticides Control Authority

Date

FORM 16

THE PESTICIDES REGULATIONS, 1996
STOP ORDER

issued under regulation 20

TO: (name of person) (registered office)

WHEREAS it appears to the Authority that you are—
(delete as not appropriate)

(a) negligent in your use of a restricted pesticide;

SECOND SCHEDULE, *contd.*

<i>Categories of Certificates for Pest Control Operations</i>	Fees \$
Certificate for Serviceman Assisting: certificate for serviceman assisting in the carrying out of the pest control operation	500.00

*Categories of Certificates for Pest Control
Applicators and Servicemen*

Certificate A	Stored Food Pest Control
Certificate B	Structural Fumigation and Wood Destroying Organism
Certificate C	Ornamental and Turf Pest Control
Certificate D	General Household
Certificate E	Animal Pest Control
Certificate F	Aquatic Pest Control
Certificate G	Public Health Pest Control
Certificate H	Farm and Servicemen
Certificate I	Aerial Spraying