

[Subsidiary]

**PEST CONTROL PRODUCTS (IMPORTATION AND EXPORTATION)
REGULATIONS, 1984**

[L.N. 146/1984, L.N. 125/2006.]

1. Citation

These Regulations may be cited as the Pest Control Products (Importation and Exportation) Regulations, 1984.

2. Importation and exportation prohibited unless licensed

(1) No person shall import or export a pest control product for commercial purposes unless that person is in possession of a licence issued under these Regulations.

(2) No licence shall be issued for the importation of a pest control product unless the pest control product is registered in accordance with the Pest Control Products (Registration) Regulations, 1984.

(3) No licence shall be issued under these Regulations unless the Board is satisfied that the provisions of the Pest Control Products Act, 1982 have been complied with.

3. Presumptions

(1) For the purpose of paragraph (1) of regulation 2, a pest control product shall be considered to be for commercial purposes if it is for a use other than scientific research or testing and products imported for resale, manufacture, formulation, owner's use or commodity aid shall be deemed to be imported for commercial purposes.

(2) For the purpose of paragraph (1) of regulation 2, a pest control product shall be deemed to have been exported when it is placed on any ship, aircraft, train or vehicle within Kenya for the purpose of export.

4. Application for licences

(1) Any person desiring a licence in respect of importation or exportation of a pest control product for commercial purposes shall apply to the Board for a licence in Form PCPB 1 set out in the Schedule which form shall be signed by the importer or exporter, as the case may be, who shall state the purpose of the importation or exportation of the pest control product in the following manner—

- (i) "FOR RESALE", where the product is being imported or exported for the purpose of resale whether in the original pack or after repacking; or
- (ii) "FOR MANUFACTURING PURPOSES", where the pest control product is being imported or exported for use in the manufacture or formulation of a registered pest control product; or
- (iii) "FOR IMPORTER'S OWN USE", where the pest control product: 3 being imported into Kenya or exported to another country for the sole use of the importer, together with information respecting where the pest control product shall be used and the nature of that use.

(2) The Board shall from time to time determine the fee to be paid in respect of an application for a licence.

5. Dealing with applications and issue of licences, etc.

(1) The Board may approve an application made under regulation 4 if it is satisfied that—

- (a) the application contains the information required under that regulation;

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- (b) the pest control product contains ingredients that have been previously assessed or evaluated for the purposes of the Act and these Regulations and which have been accepted for registration under the Pest Control Products (Registration) Regulations, 1984, for the use stated in the application.
- (c) Premises where the pest control product is to be stored, processed, warehoused, used, repacked or sold shall have been duly licensed by the Board",

and issue a licence in Form PCPB 1 set out in the Schedule.

(2) Where the Board does not approve an application it shall not be obliged to give any reason therefor.

(3) No person to whom a licence has been issued under these Regulations shall lend, hire, sell, transfer or otherwise dispose of that licence to any other person without the approval of the Board, which approval shall be endorsed on the licence.

(4) The Board may attach to a licence such conditions as it deems fit to impose and in particular any such condition may restrict the importation and exportation of a pest control product from a specified source or for specified usage and the Board may, from time to time, vary, add to or revoke any of the conditions attached to a licence.

(5) The licence issued under Regulation 2 (1) shall be valid for three (3) months from the date of issue.

6. Duty of licensees, etc.

(1) *Repealed by L.N.125/2006.*

(2) It shall be the sole responsibility of the importer or his agent to ensure that Form PCPB 1 is endorsed by the Customs Department at the port of entry and to forward a signed copy to the Board.

7. Duty of customs officers

Where for any reason a customs officer at a port of entry withholds the release of any pest control product he shall forthwith advise the Board of that action.

8. Cancellation and suspension of licences

(1) The Board may cancel or, for such period as it thinks fit, suspend a licence issued under these Regulations if the Board is satisfied that—

- (a) the licensee or his servant or agent has been convicted of an offence under the Act; or
- (b) the licensee or his servant or agent has committed a breach of any of the terms or conditions of the licence; or
- (c) for any other reason, it is in the public interest so to do.

(2) Before cancelling or suspending a licence under this Regulation the Board shall give the licensee twenty-eight days' notice to show cause why the licence should not be cancelled or suspended and the Board's decision in the matter shall be final.

9. No person shall package, store, transport, display, distribute, sell or otherwise deal in a pest control product that has not been imported in accordance with these Regulations."

10. A licence to import or export a pest control product under these Regulations shall be in the prescribed Form PCPB2 set out in the Schedule.

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SCHEDULE

FORM PCPB 1

PEST CONTROL PRODUCTS (IMPORTATION AND EXPORTATION) (AMENDMENT)
REGULATIONS, 2006

APPLICATION NO.

APPLICATION FOR THE IMPORT/EXPORT OF PEST CONTROL PRODUCTS FOR
COMMERCIAL PURPOSE*(to be typed and submitted in quadruplicate)*

TO:

The Secretary
Pest Control Products Board
Waiyaki Way
P.O. Box 13794- 00800
NAIROBI
Tel. 254-020-4446115, Fax. 254-020-4449072
E-mail: pcpboard@todays.co.ke
Website: www.pcpb.or.ke

Applicant's Full Name/Address

PIN Tel.No.

E-mail

Full Name and Address of the Exporter

(If Import to Kenya) or Importer (If Export from Kenya)

Product Information

1. Registration number Date of expiry

2. Country of origin (if being imported)

3. Country of destination (if being exported or re-exported)

4. SITIC No.

5. Approved common name (a.i)

6. Chemical name

7. Trade name

8. Formulation type (EC, EW, Dust, GR, etc)

9. Concentration (% a.i)

10. State of product (technical or formulated)11. (a) Category of product (Tick appropriately) insecticideFungicide Rodenticide Acaricide Herbicide Adjuvant Others

(b) Purpose of import/export

 Resale Manufacturing purposes Own Use Trial Samples

Others

12. Quantity applied for

13. Total cost (Freight charges included) F O.B. value

Currency Exchange Rate

proforma invoice No Date.

14. Estimated annual usage

15. Previous imports (give dates, quantity and registration number of product, specify the country of origin)

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SCHEDULE, FORM PCPB 1—continued

| PCPB 1/DATE | COUNTRY OF ORIGIN | QUANTITY |
|-------------|-------------------|----------|
| | | |
| | | |
| | | |
| | | |

16. HS Code

17. Custom Entry No.

18. Quantity in stock

I/We certify that the information contained herein is correct to the best of my/our knowledge.

Importer's/Exporter' Signature

Designation

Date

Official stamp

FOR OFFICIAL USE ONLY

Board's official stamp

| | | | |
|--|--|--|--|
| <input type="checkbox"/> Recommended | <input type="checkbox"/> Not Recommended | <input type="checkbox"/> Recommended | <input type="checkbox"/> Not Recommended |
| Date | | Date | |
| <i>Registration Officer</i> <i>Pest Control Products Board</i> | | <i>Inspector</i> <i>Pest Control Products Board</i> | |
| Note: This is not a license to authorize importation or exportation. | | | |

Fees Paid

DATE RECEIPT NO

FORM PCPB 2

PEST CONTROL PRODUCTS (IMPORTATION AND EXPORTATION) REGULATIONS, 2006

LICENCE NO.

Application No

This licence is granted to

To import/export a pest control product(s)

Trade name

Registration number

Date of expiry of registration

Registered uses

Country of origin (if being imported)

Country of destination (if being exported)

SITIC No.

