

PESTICIDES (LICENSING FOR MANUFACTURING) RULES 2011

PU(A) 187/2011

7 June 2011

Jil 55; No 11; 7 June 2011; Tambahan No 67; Perundangan (A)

IN exercise of the powers conferred by subsection 57(1) of the **Pesticides Act 1974**[*Act 149*], the Minister, after consultation with the Pesticides Board, makes the following rules:

1. Citation and commencement

- (1) These rules may be cited as the **Pesticides (Licensing for Manufacturing) Rules 2011**.
- (2) These Rules come into operation on 1 July 2011.

2. Interpretation

In these Rules, unless the context otherwise requires:-

"licence" means a licence to manufacture pesticides issued under subsection 15(2) of the Act;

"holder of a licence" means a person licensed under subsection 15(2) of the Act.

3. Application for licence

- (1) An application for a licence shall be made to the Board in Form A as prescribed in the Second Schedule and shall be accompanied with the prescribed fee.
- (2) The applicant shall furnish such further information as the Board may require.
- (3) Where the applicant is a body corporate, the application shall be completed and signed by a person or persons duly authorised in that behalf by the body corporate.
- (4) The Board may impose any conditions as it thinks fit.

4. Issuance of licence

- (1) A licence cannot be issued to any person unless:-
 - (a) he is the registrant of the pesticides;
 - (b) he is the person manufacturing under agreement on behalf of the registrant of the pesticides; and
 - (c) he has complied with the relevant laws which were enforced by other Government agencies.
- (2) The licence issued shall be in Form B as prescribed in the Second Schedule.

(3) The Board may, impose any condition for the issuance of the licence and may, from time to time, alter, add, cancel or amend the conditions imposed on the licence issued.

5. Extent of licence

(1) A licence issued under these Rules shall include matters relating to the storage, owning, of pesticides at any factory specified in the licence.

(2) The holder of a licence shall inform the Board in writing of any changes to the particulars of the matters mentioned under subrule (1) within five working days from the date of such changes.

6. Renewal of licence

(1) A licence may be renewed upon application being made to the Board in Form A as prescribed in the Second Schedule and shall be accompanied by the prescribed fee before the expiration of the licence.

(2) The Board may, when approving the renewal of the licence, impose any conditions as it thinks fit.

7. Certified copy of licence

(1) A holder of a licence may apply in writing to the Board for a certified copy of a licence if the licence is lost, damaged or mutilated.

(2) An application under subrule (1) shall be accompanied by:-

(a) the prescribed fee; and

(b) a copy of the statement made by the holder of the licence to the effect that the licence issued to him is lost, damaged, mutilated or a statement specifying the reasons for the application.

(3) The Board may issue a certified copy of the licence to the holder of the licence if the Board is satisfied that the original licence is lost, damaged or mutilated.

(4) The copy of the original of the licence issued under subrule (3) shall have the same effect as the original licence.

8. Display of licence, etc.

(1) A holder of a licence shall cause a licence to be displayed at all times in a conspicuous part of the factory or premises specified in the licence and shall produce record and any other documents relating to the manufacturing of the pesticides, as the case may be, to any authorised officer on demand for inspection purposes.

(2) Notwithstanding subrule (1), the holder of a licence shall display such other information in such manner as the Board may from time to time require.

9. Obligations of the holder of a licence

A holder of a licence shall:-

(a) supply appropriate personal protective clothing and equipments required to be worn by workers in the manufacturing of the pesticides;

- (b) maintain or cause to maintain all protective clothing and equipment in good working condition;
- (c) provide suitable cleaning facilities such as pipe water, soap, sink and cemented floors to wash protective clothing and equipment;
- (d) provide first-aid kit for his workers;
- (e) at all times keep the unmanufactured or manufactured pesticides in a place that has been approved by an Authorised Officer; and
- (f) provide for all its workers involved in the manufacturing of pesticides a medical check up at least once a year, the record of which shall be kept for five years and shall be made available for inspection by any authorised officer, when required.

10. Maintenance and production of records, etc.

- (1) A holder of a licence shall at all times keep and maintain or cause to be kept or maintained a manufacturing record for a period of not less than five years.
- (2) Subject to subrule 6(b), the holder of a licence shall keep records relating to the consent to manufacture on behalf of the registrant of pesticides for a period of not less than five years.
- (3) The holder of a licence shall produce the record and any such other documents on demand by an authorised officer for inspection purposes.

11. Fees

- (1) Any fees payable under these Rules shall be as specified in the First Schedule.
- (2) The fees paid pursuant to subrule (1) shall not be refundable.

FIRST SCHEDULE

PESTICIDES ACT 1974

PESTICIDES (LICENSING FOR MANUFACTURING) RULES 2011

[Subrule 3(1), 6(1) and 7(1)]

FEES

No.	Rule	Matters	Fees
1.	Subrule 3(1)	New application for licence	RM100.00
2.	Subrule 6(1)	Renewal application for licence	RM100.00
3.	Subrule 7(1)	Application for a copy of lost licence	RM100.00
4.	Subrule 7(1)	Application for a copy of damaged or mutilated licence	RM50.00

SECOND SCHEDULE

FORM A

PESTICIDES ACT 1974

PESTICIDES (LICENSING FOR MANUFACTURING) RULES 2011

[Rules 3 and 6]

APPLICATION FOR/RENEWAL* LICENCE TO MANUFACTURE PESTICIDES

(This application shall be submitted to the Secretary, Pesticides Board, Pesticides Control Division,
Department of Agriculture)

* One copy to be completed

Application for:

(Please (/) as appropriate)

a New licence :

b Renewal of licence:

(i) Existing licence No.:
.....

(ii) Validity period of licence : From: until
.....

1 Name of applicant:
.....

2 Name *of company/business:
.....

Application for:

(Please (/) as appropriate)

a) New licence :

b) Renewal of licence:

(i) Existing licence No.:
.....

(ii) Validity period of licence : From: until
.....

1. Name of applicant:
.....

2. Name *of company/business:

3. Corresponding address of *company/business:

4. Postcode: 5. State:

6. Phone No.: 7. Fax No.:

8. Email address :
9. Address of *company/business where business of manufacturing pesticides *is/will be carried out (if different from No. 3)

- 10 Postcode: 11. State:

- 12 Telephone No.: 13. Fax No.:

- 14 Company/business* Registration No.:

- 15 Business premises is located *inside/outside the Local Authority area
 .
- 16 Manufacturing status (Please tick (/) at the appropriate box)
 .
- (a) Registrant or the person the pesticide is registered on his application —
- (b) Manufacturing under agreement —
- 17 Information of the manufactured pesticides, if the registrant:
 .

N o.	Trade Name	% Active Ingredient	Class	Registration No.	Date of Registration	Purpose of Manufacture**

***The purpose of manufacture-prepare, compound, formulate, mix, make, pack, re-pack, label, treat

18 Information on the manufactured pesticides on behalf of other parties under an agreement, if manufactured under an agreement

N o.	Trade Name	% Active Ingredient	Class	The Pesticide Registered on the Application	Registration No.	Date of Registration	Name of the Registrant	Purpose of Manufacture***

19 I forward:

(Please tick (/) at the appropriate box)

a copy of sketch plan of the factory, the storage place of the raw materials, pesticides that have been manufactured, the manufacturing place, laboratory and others _____

a copy of Registration of Businesses Certificate issued under the Registration of Businesses Act 1956 _____

a copy of Business Licence issued by the Local Authority _____

a copy of Manufacturing Licence issued under the Industrial Co-ordination _____

Act 1975

a copy of Private Company Incorporation Certificate issued under the
Companies Regulations Act 1965

*an account payee bank draft/money order/postal order No.:
..... made payable to the Ketua Pengarah Pertanian,
Semenanjung Malaysia for the amount of RM100.00 as a fee for the licence
or for the renewal of the licence

20 *I/We declare that all the information provided in this application is true and correct.

.....

(Signature of the applicant)

Name:

NRIC No.:

Date:

For and on behalf of: (State name of *company/business):

* Company seal/Business Stamp:

FORM B

PESTICIDES ACT 1974

PESTICIDES (LICENSING FOR MANUFACTURING) RULES 2011

[Rule 4]

LICENCE TO MANUFACTURE PESTICIDES

Licence No.:

Name of company/business:
.....

Address:
.....
...
.....
.....

manufactured at
.....

Validity Period: From until (dd/mm/yyyy)

Dated on: Day of

Signature:

.....

Name:

.....

Secretary
Pesticides Board