

PESTICIDES (LICENSING FOR SALE AND STORAGE FOR SALE) RULES 2007

PU(A) 399/2007

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

6 December 2007

1. Citation and commencement

- (1) These rules may be cited as the **Pesticides (Licensing for Sale and Storage for Sale) Rules 2007**.
- (2) These Rules come into operation on 1 January 2008.

2. Interpretation

In these Rules, unless the context otherwise requires:-

"assigned class" means classes assigned to pesticides as stated in subparagraph 4(j)(i) of the **Pesticides (Labelling) Regulation 1984**[*P.U. (A) 251/1984*];

"licence to sell pesticides" means a licence to sell pesticides issued under subsection 17(2) of the Act;

"licence to store pesticides for sale" means a licence to store for sale of pesticides issued under subsection 17(2) of the Act;

"holder of a licence" means a person licensed under subsection 17(2) of the Act.

3. Fees

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

4. Forms

The forms referred to in these Rules are those contained in the Second Schedule.

5. Application for licence

- (1) An application for a licence to sell pesticides and a licence to store pesticides for sale shall be made to the Pesticides Licensing Officer in Form A and shall be accompanied by the prescribed fee.
- (2) An applicant for the licence mentioned in subrule (1) shall furnish such further information as the Pesticides Licensing Officer may require.
- (3) Where the applicant is a body corporate, the application shall be completed and signed by a person or persons duly authorized in that behalf by the body corporate.

6. Form of licence

- (1) A licence to sell pesticides shall be in Form B1.
- (2) A licence to store pesticides for sale shall be in Form B2.

7. Extent of licence

- (1) A licence to sell pesticides shall include business transactions relating to storage of, owning, exhibition and sale of or any service using assigned classes of pesticides at the premises specified in such licence.
- (2) No holder of a licence to store pesticides for sale shall sell pesticides other than at the premises specified in such licence.

8. Renewal of licence

- (1) An application for the renewal of a licence to sell pesticides and licence to store pesticides for sale shall be made to the Pesticides Licensing Officer in Form A and shall be accompanied by the prescribed fee three months before the expiration of such licence.
- (2) The Pesticides Licensing Officer may, when renewing the licence, impose such conditions as he thinks fit.

9. Certified copy of licence

- (1) A holder of a licence to sell pesticides and licence to store pesticides for sale may apply in writing to the Pesticides Licensing Officer for a certified copy of such licence if such licence is lost, destroyed or mutilated, or on any other reasonable grounds to the satisfaction of the Pesticides Licensing Officer.
- (2) An application under subrule (1) shall be accompanied by:-
 - (a) the prescribed fee; and
 - (b) a statutory declaration or a police report by the holder of the licence to the effect that the licence issued to the holder of the licence is lost, destroyed or mutilated or a statement specifying the reasons for the application.
- (3) The Pesticides Licensing Officer may issue a certified copy of the licence to sell pesticides and licence to store pesticides for sale to the holder of such licence if the Pesticides Licensing Officer is satisfied that the original is lost, destroyed or mutilated or that a certified copy is required for a reasonable grounds.

10. Display of licence, etc.

- (1) The holder of a licence to sell pesticides and a licence to store pesticides for sale, as the case may be, shall cause such licence, to be displayed at all times in a conspicuous part of the premises specified in such licence and shall produce record and such other documents relating to the sale or storage of the pesticides, as the case may be, to any Pesticides Licensing Officer upon demand for inspection purposes.
- (2) The holder of a licence to sell pesticides and licence to store pesticides for sale shall display such other information in such manner as the Pesticides Licensing Officer may from time to time require.

11. Revocation

The Pesticides (Licensing for Sale and Storage for Sale) Rules 1988[P.U. (A) 207/1988] is revoked.

12. Savings and transitional

Where an application for a licence to sell pesticides and licence to store pesticides for sale or an application for the renewal of such licence made under the Pesticides (Licensing for Sale and Storage for Sale) Rules 1988 is pending immediately before the date of coming into operation of these Rules, such application shall be dealt with under the Pesticides (Licensing for Sale and Storage for Sale) Rules 1988 and for such purpose only the Pesticides (Licensing for Sale and Storage for Sale) Rules 1988 shall be deemed to remain in operation with full force and effect.

FIRST SCHEDULE

(Rule 3)

	MATTERS	FEES
1.	New application/renewal for Class Ia, Ib, II, III and IV pesticides licence to sell/storage for sale	RM 750.00
2.	New application/renewal for Class Ia and Ib pesticides licence to sell/storage for sale	RM 500.00
3.	New application/renewal for Class II, III and IV pesticides licence to sell/storage for sale	RM 250.00
4.	Application for a certified copy of licence to sell pesticides/licence to storage for sale	RM 50.00

SECOND SCHEDULE

(Rule 4)

PESTICIDES ACT 1974

PESTICIDES (LICENSING FOR SALE AND STORAGE FOR SALE) RULES 2007

FORM A

[Subrules 5(1), 8(1) and (2)]

**APPLICATION FOR/*RENEWAL OF A LICENCE TO SELL/LICENCE TO STORE
PESTICIDES**

FOR SALE

(This application shall be submitted to the Pesticides Licensing Officer)

(One copy to be completed)

Application for:

(Please [/] as appropriate)

(a) New Licence

(b) Renewal of licence

(i) Existing licence number:

(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. Tel. No. : 7. Fax. No. :

8. E-mail address :

9. Address of *company/business where business of sale/storage for sale of pesticides *is/will be carried out (if different from No. 3)

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.....

10. Postcode : 11. State :

12. Tel. No. : 13. Fax. No. :

14. Business premises is located *inside/outside the Local Authority area

15. Type of business premises *residential house/business premises

16. Class or Classes of pesticides *I/we desire to sell or store for sale is/are:-

(a) Class Ia and Ib (b) Class II, III and IV (c) Class Ia, Ib, II, III and IV

17. Registration number of *company/business :

I/We forward:

(Please tick [/] the appropriate box)

- a copy of sketch plan of the sale and store for sale premises that shows the position of pesticides and other goods displayed (please state), the position of the store (if any) and the cashier counter

- a certified copy of Certificate of Registration [Form D] issued under rele 13 of the Registration of Businesses Rules 1957

- a certified copy of Form 9 issued under subregulation 3(1) of the Companies Regulations 1966

- a certified copy of Certificate of Registration issued under subregulation 7(2) and Companies 15(2) of the Farmers Organization Regulations 1983

- a certified copy of licence issued under the Market By-Laws of each state

- a certified copy of Annual Practising Certificate issued under section 17 of the Veterinary Surgeons Act 1974

- certificate of attendance of the basis course in the sale of/the storage for sale of pesticides

*an account payee bank draft/money order/postal order No.: made payable to the Ketua Pengarah Pertanian, Semenanjung Malaysia:-

(Please tick [/] the appropriate box)

(a) for the amount of RM 750.00 being new application/renewal fee for Class Ia, Ib, II, III and IV pesticides licence to sell/storage for sale

(b) for the amount of RM 500.00 being new application/renewal fee for Class Ia and Ib pesticides licence to sell/storage for sale

(c) for the amount of RM 250.00 being new application/renewal fee for Class II, III and IV pesticides licence to sell/storage for sale

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

.....

(Signature of applicant)

Name:

NRIC No.:

Date:

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

*Company seal/Business stamp :

* Delete whichever is inapplicable