

STATUTORY INSTRUMENT

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STATUTORY INSTRUMENT No.13 OF 2010

Published 18th November, 2010

THE ENVIRONMENT PROTECTION AGENCY ACT, 2008
(Act No. 11 of 2008)

THE PROHIBITION OF OZONE DEPLETING SUBSTANCES
REGULATIONS, 2010

Short title.

IN EXERCISE of the powers conferred upon it by section 62 of the Environment Protection Agency Act, 2008, the following Regulations are hereby made:-

In these Regulations, unless the context otherwise requires:-

Interpretation.

"Agency" means the Environment Protection Agency;

"controlled substance" means a controlled substance set out in the Fourth Schedule to the Act.

(1) With effect from the 1st day of April, 2011, no person shall import, sell, distribute, install or otherwise deal with halons or halon fire extinguishers.

Prohibition of importation etc. of halons.

(1) With effect from the 1st day of April 2011, no person shall import a motor vehicle that has an automotive air conditioning or refrigeration unit containing any controlled substance.

Prohibition of importation of motor vehicles with controlled substances

(2) Where a person contravenes sub-regulation (1), that person shall pay to the Agency within 30 days of the importation of the vehicle into Sierra Leone and before being allowed to clear it, a fee determined by the Board, for the removal and destruction of the automotive air conditioning or refrigeration unit.

(3) Where the person fails to pay the fee to the Agency, the Executive Chairman may sell the vehicle, but shall first remove and destroy the automotive air conditioning or refrigeration unit containing the controlled substance.

(4) Upon the sale of a vehicle in accordance with sub-regulation (3), the Executive Chairman shall deduct from the proceeds of the sale the cost of removing and disposing of the air conditioning or refrigeration, as well as all customs and excise charges, before paying the balance of the proceeds of sale to the importer.

Prohibition of importation of refrigerator etc. containing controlled substance.

4. (1) With effect from the 1st day of April, 2011, no person shall import—

(a) any refrigeration or air conditioning equipment containing or designated to use a controlled substance; or

(b) any aerosol product containing a controlled substance.

(2) Sub-regulation (1) shall not apply to medical aerosols.

Prohibition of importation of used equipment containing controlled substance. Foam manufacturers.

5. With effect from the 1st day of April, 2011, no person shall import a refrigerator, air-conditioner, freezer, cold room machine, insulation board, panel, pipe cover, prepolymer or other equipment containing or designated to use a controlled substance.

Foam manufacturers.

6. (1) With effect from the 1st day of April, 2011, a foam manufacturer shall not use a controlled substance in the process of manufacturing flexible or rigid foam.

(2) A foam manufacturer shall provide the Agency information on the chemicals used in the manufacture of foam.

Registration and certification of service workshop.

7. (1) With effect from the 1st day of April, 2010, no person shall operate a refrigeration or air conditioning service workshop unless he applies for and is granted a registration certificate by the Agency.

(2) In considering an application, the Agency shall request for such information and particulars as may be considered necessary.

(3) The Agency shall grant a certificate according to the category of work that a particular operator is qualified to undertake.

8. (1) With effect from the 1st day of April, 2011, no technician shall engage in repairing, maintaining or servicing refrigerators or air-conditioners, unless he undergoes training and passes a test on ozone depletion, recycling and retrofitting technologies. Training of technicians.

(2) After undergoing the requisite training in accordance with sub-regulation (1), the technician shall not engage in the servicing or repairing of refrigerators or air-conditioners unless he obtains a certificate from the Agency, certifying that he has acquired the necessary training.

9. (1) A person who imports any equipment or product that does not contain a controlled substance shall attach a label on the equipment or product indicating that it is "ozone friendly". Equipment labeling.

(2) A person who imports any equipment or product that does not contain a controlled substance shall attach a label on the equipment or product indicating that the equipment or product contains a controlled substance which causes harm to the ozone layer.

(3) A person who manufactures in Sierra Leone equipment or product that does not contain a controlled substance shall attach a label on that equipment or product indicating that it is "ozone friendly"

10. (1) The National Revenue Authority shall ensure that the Customs Coding System is modified to allow for the monitoring of all controlled substances. Customs Coding System.

11. A person who imports, uses, produces or deals with any controlled substance shall submit an annual report to the Agency on the import, use and consumption of the controlled substance, and the production or manufacture of any product containing a controlled substance. Users of controlled substances to submit reports.

12. (1) Until such time as the importation of any particular controlled substance is prohibited in these Regulations, no person shall import a control substance unless he obtains a permit from the Agency. Import permit.

(2) An application for a permit under this regulation shall be in the form prescribed in Form A of the Fifth Schedule to the Act.

(3) The Agency shall not grant a permit to an importer unless the importer provides all the information required in the application

(4) The Agency may grant a permit subject to such terms and conditions as may be considered necessary to protect the environment.

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13. The Agency may recommend to the Minister responsible for finance, on an annual basis, the reduction in or exemption from duty on certain products and equipment that do not contain a controlled substance.

nces.
14. Any person who contravenes regulation 4, 5, 6, 7, 8, 9 or 11 commits an offence and is liable on conviction to a fine not exceeding Le400,000 or to a term of imprisonment not exceeding six months or to both the fine and imprisonment

MADE this 23rd day of September, 2010.

Haddijatou Jallow
Executive Chairman

Dan Mason
Member

John Tommy
Member

Thomas R. A. Winebah
Member

Abu Bangura
Member

Sheku A. Mansaray
Member

Jonathan Sharkah
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Bishop T. A. Koroma
Member

K. K. Dabo
Member