

## **National Agricultural Fertilizers Act, 2018**

In Accordance with the Provisions of the Interim Constitution of Sudan 2005 amendment 2017, it is hereby passed by the National Assembly and Signed by the President of the Republic of following Act:-

### **Chapter I**

#### **Preliminary Provisions**

##### **Title and commencement**

1. This Act may be cited as the "National Agricultural Fertilizers Act 2018", and shall come into force as from the date of signature.

##### **Repeal and Saving**

2. The National Agricultural Fertilizers Act, 2010 shall be repealed; provided that all the regulations rules and orders made thereunder, shall remain in force, until revoked or amended.

##### **Interpretation**

3. In this Act, unless the context other wise requires:-
 

"Fertilizers",	means the materials which contains the elements of plant nutrition and protect the soil fertility and its productive capabilities and it includes chemical, and it includes chemical, organic and biological fertilizers whether it is solid, liquid or suspended and the industrial soil and the gricultural soil enhancers;
"Chemical Fertilizers"	means any chemical compounds industrially prepared and contains nutritious elements for plant;

- "Organic Fertilizers",** means any remains of plant, or animals or mixture thereof, containing nutritious element for plant and organic elements necessary to improve the chemical, physical and biological characteristics of the soil;
- "The Council",** means the National Council for fertilizers Constituted under the Provisions of Section (3);
- "The Competent Administration",** means the administration responsible for fertilizers in the ministry;
- "Registrar",** means the registrar appointed under the Provisions of Section (13);
- "Registration",** means the process of assessment of the Comprehensive scientific data which clarifies the effectiveness of the fertilizer in the field in which it is intended to be used and making sure of its being not dangerous on human and animal health and the environment in general;
- "Liquid Fertilizers",** means the fertilizers that contains specific proportion of water to make a solution the liquid fertilizers includes two types of solutions either actual or suspended;
- "Suspended Fertilizers",** means it is assort of liquid fertilizers but it is not completely solvent;
- "Conformity",** means the process of assessment of the comprehensive scientific data which clarifies the effectiveness of the fertilizer in the field in which it is intended to be used and making sure of its being not

dangerous on human and animal health and the environment in general such shall be in accordance to the specification issued by the Sudanese corporation of Specifications and Metrology.

- "Consignment", means any amount of fertilizers or agricultural soil enhancers which is imported for the purpose of usage, trading or circulating in Sudan;
- "The Importer", means any person natural or corporate whether he is the owner or consignor, consignee, agent, mediator or any other person who wins or has the right to own fertilizers which arrives from another country;
- "Committees", means the committees constituted by the Council or the concerned administration to follow up the entrance, usage and inspection of fertilizers;
- "National field", mean inside Sudan;
- "government exits", means air ports, or sea-ports or land borders points specified as an entry for consignments;
- "Ministry", means Ministry of Agriculture and Forestry;
- "The Minister", means the Minister of Agriculture and Forestry;
- "The Director", means the director of the competent administration and forestry;

## **Chapter II**

### **The Council**

4. There shall be established a Council, named by the National council for Agricultural Fertilizers, and it shall be formed by a decision issued by the Council of Ministers, provided the Council includes the relevant bodies and be headed by the under-secretary upon the recommendation of the Minister.

### **Functions and Powers of the Council**

- 5.(1) The Council shall have the following functions and Powers to:-
- (a) establish the Fertilizers register;
  - (b) register stoke of end re-registration of fertilizers according to specifications approved by the Sudanese cooperation for specifications and metrology;
  - (c) licensing of manufacturing and trading in fertilizers, or renewing of the license at a national level, or cancelling thereof according to the specifications approved by the Sudanese cooperation for specifications and Metrology;
  - (d) prohibit the fertilizers and limit its usage if it does not comply with the specification approved by the Sudanese cooperation for specifications and metrology;
  - (e) establish committees for inspection, control and supervision of the fertilizers in coordination with the Sudanese cooperation for specifications and Metrology .
- (2) The council may delegate to the Registrar fees specified by the complete administration or any permanent or urgent committee any of its powers on the conditions it deems fit.

### **Meetings of the Council**

- 6.(1) The Council holds periodical meetings every three months, and may hold emergency meetings upon invitation of the chairman of the Council or at a request of two thirds of the members.

- (2) In the absence of the chairman of the council, the meeting shall be presided over by the alternate chairperson which the Council chooses from its membership in case of his absence, the members attendees shall elect who presides over the meeting.
- (3) The quorum for any meeting is half the members including the (Chairman) or two thirds of the members.
- (4) Decisions are taken by a majority vote, and in case of equal votes, the president (chairman) shall have casting vote and voting shall be public unless a member requests otherwise.
- (5) The deliberations of the Council shall confidential and shall not be declared or disclosed.
- (6) The Council may invite any person related to the subjects of the session provided that he has not the right to vote.

### Chapter III

#### Organization of Work in the field of Agricultural Fertilizers

##### Trading of Import, export, Manufacture and Fertilizers

- 7.(1) The council in coordination with the Sudanese National Corporation of Specifications and metrology and the relevant bodies shall organize the work in the field of Fertilizer according to the following:-
  - (a) import, export, manufacture storage transport distribution, sale use or promotion of any type of fertilizer according to the approve bases and safeguards of the specifications;
  - (b) place a label to describe the fertilizer and its characteristics.
- (2) The registration of fertilizer for use in Sudan, according to the specification, shall not be consider a legal defense, in case of the occurrence of any unexpected damage.

**Fertilizers not conforming to the conditions  
and the specified measures**

8. Every fertilizer not conforming to the conditions and specified measures if:-
- (1) The label stamped on it contravenes its constitution, composition, sources, term of its validity or place of manufacture.
  - (2) Any other material is added to it cancelled or reduce any element which decrease its qualify, effectiveness, effects its kind or nature specified in the specification approved by the Sudanese corporation of specifications and metrology.
  - (3) change its constitutions chemical, physical, pyological description totally or partially to the extent that makes it not conforming to the specifications.

**Approval Decisions of fertilizers Types**

9. The Council in co-ordination with Sudanese corporations of specifications upon recommendations of the competent administration shall issue decisions which specify the types of permissible fertilizer, conditions and the procedures to be followed for its use and dealings with, in the state, and shall particularly specify the following:-
- (1) Specifications of fertilizers issue by the Sudanese corporation of specification and metrology.
  - (2) Procedures to be followed concerning fertilizer in contraventions to the provisions of this Act and the decisions of executions thereof.

**Chapter V**

**The Financial Provisions**

**Financial Resources of the Council**

10. The financial resources of the Council shall consist of the following:-
- (1) Revenues, as the state may allocate thereto in the budget.

- (2) Fees imposes as against its services, upon the recommendation of the concern administration.
- (3) grants, gifts and donations, as it may be recommended by the undersecretary and approved by the minister with consent of the minister of finance and economy planning.

### **Budget of the Council**

- 11. The Council shall have an annual budget, in accordance with the applicable sound accountancy Bases.

### **Accounts and Auditing**

- 12.(1) The Council shall keep accurate and satisfying accounts according to the APPLICABLE SOUND ACCOUNTANCY BASES.
- (2) Account of the Council shall be audited by the National Audit Chamber.

## **Chapter V**

### **General Provision**

#### **The fees**

- 13. The Council with the consent of the Minister and upon the recommendation of the concerned administration shall specify its service fees in the national field according the provisions of this Act and the regulation issued thereunder.

#### **The registrar**

- 14.(1) The Council shall appoint upon the recommendation of the administration director a fertilizer registrar of competence and experience in fertilizers field.
- (2) the regulations shall determine the function and powers of the registrar.

### **Acquisition of licence**

15. Taking into account the provisions of section (9) importation manufacturing an leading with in fertilizer is not permeated as provided for in this Act save that after obtaining the necessary licence excluding the fertilizers concerning the universities and resources centres for the purpose scientific resources and after obtaining the consent of the council upon recommendation of the competent administration.

### **State support for researches**

16. The state shall provide the required support to the agricultural resources corporation and in universities to perform the required tests for modern fertilizers which the state needs for importation.

### **Prohibition**

17. Taking into account the provisions of this Act the minister shall upon a recommendation of the Council prohibit production manufacturing importation exportation or dealing with of any kind of fertilizers permentaly or temporarily whenever the public interest may requires.

### **Inspection and control**

18. Public officials of the competent administration in coordination with the Sudanese corporation for specification and metrology and the relevant bodies, may enter delegation from the places where its activity is government by the provisions of this Act to ensure the implementation of provisions and adjust the cases of contraventions according to a writer delegation from the council.

### **Appeals**

19. The aggrieved person the council decisions may appeal to the minister with in fifteen days from the date of the issuance of the decision.

### **Contraventions and penalties**

20. whoever commits any contravention o the provisions of this Act an the regulations issued thereunder shall be punished by imprisonment an or fine an with both.

### **Power to make regulations**

21. The minister upon the recommendation of the under secretary may issue the necessary regulation for the implementation of the provisions of this Act .