

Chapter 20:27 Environment Management Act (Hazardous Substances, Pesticides and other toxic Substances) Regulations, 2007

1 These regulations may be cited as the Environmental *and Natural Resources* Management (Hazardous Substances, Pesticides and other Toxic Substances) Regulations 2007.

[**Editor's Note:** The addition of these *italicised* words may be implied from SI 5 of 2011 which cites the amending Instrument in these terms with effect from the **21st January, 2011**]

2 In these regulations—

“**Act**” means the Environmental Management Act [*Chapter 20 : 27*];

“**aerosol**” means a hazardous substance dispersed in a gas which can be dispensed from its container by means of a manually operated valve;

“**corrosive substance**” means any substance which, when in contact with living tissue, will cause destruction of that tissue by chemical action;

“**flammable aerosol**” means an aerosol which, when tested by the method prescribed in the *Fourth Schedule*, produces—

- (a) at full valve-opening, a flame projection exceeding 450 mm; or
- (b) at any degree of valve-opening, a flame extending back to the dispenser;

“**flammable gas**” means a liquefied gas which, when vaporized, is flammable in air at normal pressure;

“**flammable liquid**” means any liquid which has a flashpoint of **30°C** or below;

“**flammable solid**” means a solid substance, other than an explosive, which is easily ignited and burns with rapidity or with the emission of great heat, or a substance which ignites readily when subjected to any friction;

“**flash-point**” means the lowest temperature at which the application of a test-flame causes the vapour at the surface of a liquid to ignite but not to continue to burn, as determined by the Abel closed-cup method, described in **British Standard 3443**;

“**large scale commercial farming**” means any farming activity which applies hazardous substances on land in the excess of **500 hectares**;

“**immediate container**” shall not include any inner container which encloses a hazardous substance to prevent spillage within an outer container;

“**irritant substance**” means any chemical substance, not corrosive, which, on immediate, prolonged or repeated contact with normal living tissue, will induce a local inflammatory reaction;

“**pesticide**” means any substance or formulation registered as a pesticide in terms of the pesticide Regulations, 1977, published in Rhodesia Government Notice **10 of 1977**;

“**sensitizing substance**” means any chemical substance which will cause irritation on living tissue through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same substance;

“**toxic substance**” means any chemical substance, other than a radio-active substance, which has the capacity to produce personal injury or illness through ingestion, by absorption through the skin or by inhalation;

“**veterinary remedy**” means any substance or formulation which is used, or is manufactured, sold or represented as suitable for use, topically, for the prevention and control of **ectoparasites*, and which is registered as a stock remedy in terms of the Stock Remedies Regulations, 1977, published in Rhodesia Government Notice **11 of 1977**.

[= any parasite which derives its nourishment from the skin -Editor]

3 (1) Subject to subsection (2), no person shall sell for use within Zimbabwe a hazardous substance, whether a hazardous substance prescribed in the *Third Schedule*, consisting of or containing a substance specified in column 1 of the *Third Schedule*, unless—

(a) the immediate container of such hazardous substance, or a label securely affixed to that container, has printed or otherwise marked thereon, immediately below the name or the brand name of the product in the main panel, an equivalent triangle which is the colour specified in column 2 of the *Third Schedule* appropriate to the name of the substance in column 1, and bears within the triangle, in the case of a substance required to bear—

(i) a red or amber triangle, a skull and crossbones symbol printed in black, occupying 1/3 of the area of the triangle, and the word “DANGER” printed in black in capital letters in bold-faced type;

(ii) A green triangle, the word “CAUTION” printed in black in capital letters in bold-faced type;

(b) the container of its label bears in capital letters in bold-faced type, immediately below the base of the triangle, in the case of a hazardous substance, which is—

(i) flammable in terms of Part 1 of the *Third Schedule*, the warnings specified in column 3 of that Part; and

(ii) specified in Part 11 of the *Third Schedule*, the warnings appropriate to that substance specified in column 3 of that Part;

(c) the container of its label bears in capital letters in bold-face type the words “KEEP OUT OF THE REACH OF CHILDREN”;

(d) the length of each side of the triangle and the type-size of the words of warnings referred to in paragraph (a), (b) and (c) are not less than as specified below in relation to the capacity of the container—

Capacity of container	Minimum length of each side of triangle	Minimum type-size of warnings
not exceeding 200 mls	20 mm	6-point
greater than 200 mls but not exceeding 1 litre	30 mm	8-point
greater than 1 litre but not exceeding 5 litres	40 mm	12-point
greater than 5 litres but not exceeding 25 litres	60 mm	18-point
Greater than 25 litres	80 mm	18-point

(e) the container or its label bears, in close proximity to the triangle, in letters printed from type no smaller, in relation to the capacity of the container, than that specified in paragraph (d)—

(i) the name and business address of the manufacturer, packer, distributor or seller, as the case may be, responsible for packing and labeling the hazardous substance; and

(ii) the chemical or common name and the percentage, on a mass in mass, mass in volume or volume in volume basis, of each substance, specified in colour 1 of the *Third Schedule*, in the container;

(iii) any necessary precautionary measures to be observed in handling, storing and using the hazardous substance to ensure that the health of human beings or animals birds or fishes is not endangered; and

(iv) any necessary instructions regarding spillage and the safe disposal or use of the empty container; and the toxic or other harmful effects where applicable;

- (v) first-aid treatment, where applicable; and
- (vi) the name of the specific antidote, if any:

Provided that—

- (i) the information referred to in this paragraph other than subparagraph (vii), need not be in capital letters or bold-face type;
- (ii) where the requirements of this paragraph require more space than is reasonably available on the container, the prescribed type-size may be reduced to that prescribed for the container in the range of capacities which is next smaller in size, but in no case, to a size smaller than 6-point;
- (iii) the requirements of subparagraph (i) need not be in close proximity to the triangle;
- (iv) where the sole hazard of a hazardous substance is that it is extremely flammable or inflammable, the requirements of subparagraph (ii) need not be complied with;
- (f) the colour of the triangle and any words required to appear on a container or label by this section are in distinct contrast to their background.

(2) In the case of a hazardous substance other than a hazardous substance prescribed in the *Third Schedule*, containing more than 1 of the hazardous substances specified in the *Third Schedule*—

- (a) where subsection (1) require triangles of different colours for different hazardous substances in the hazardous substance to be displayed, 1 triangle only shall be displayed, which shall be of the colour prescribed in column 2 of the *Third Schedule* for the hazardous substance in the hazardous substance with the greatest degree of hazard, and it shall bear the skull and crossbones symbol and the words "DANGER";
- (b) the warnings prescribed in column 3 of the *Third Schedule* for each of the hazardous substance shall appear immediately below the base of the triangle in descending order, based on the degree of hazard of the hazardous substances concerned:

Provided that, where 2 or more of the warnings prescribed for the hazardous substances in a hazardous substance relate to the same nature of hazard, the warning prescribed for the hazardous substance with the greatest degree of hazard only shall appear.

(3) For the purpose of subsection (2) —

- (a) the degree of hazard of a hazardous substance required by this section to bear a red triangle shall be greater than that of a hazardous substance required to bear an amber or green triangle, and the degree of hazard of a hazardous substance required to bear an amber triangle shall be greater than that of a hazardous substance required to bear a green triangle; and
- (b) "**nature of hazard**" means the toxic, corrosive, irritant, sensitizing or flammable properties of a hazardous substance.

(4) The Agency may, if it is of the opinion that a hazardous substance has a greater degree of hazard than the most hazardous of its constituents, direct that the colour of the triangle and the warnings for the hazardous substance shall be different from those laid down in column 2 and 3 of the *Third Schedule* for the most hazard substance in the hazardous substance.

(5) Any person required to label a hazardous substance in a red triangle with the words "DANGEROUS POISON", whether or not other warnings are also required, shall submit, in writing, his or her proposals for consideration to the licensing Officer for consideration as to whether the labeling complies with the requirements of subsection (1)(iii), (iv), (v), (vi) and (vii).

(6) The Agency may direct the seller of a hazardous substance to alter any labeling if, in its opinion, the information provided is inaccurate or incorrect or incomplete or does not comply with this section.

(7) Any person who considers that any hazardous substance should be exempted from compliance with any requirement of this section because of the size of the container, the physical composition of the product of the minor hazard presented by the produce, or for other good and sufficient reasons, may submit to the Agency an application in writing, for exemption, giving grounds for support of his or her contention that compliance is impracticable or not necessary for the protection of the health of

human beings, animals, birds or fish, and, on the basis of such facts and any other information which may be available to the Agency, the Agency may grant or refuse to grant such an exemption.

(8) Notwithstanding anything herein contained, the Agency may grant exemption from 1 or more of the provisions of this section for such period as it may deem necessary, and subject to such conditions as it may deem fit to impose, and may withdraw any exemption so granted.

4 (1) No person shall package a hazardous substance in a container unless the container and its closure—

(a) will not react chemically or physically with the hazardous substance which it is to contain; and

(b) are of sufficient strength, under the ordinary risks of handling and transport, to prevent the escape of any of its contents.

(2) The Agency may direct the seller of any hazardous substance to submit for its inspection and approval the container of such hazardous substance.

5 No person shall store for sale any hazardous substance in a manner which —

(a) affords the public direct access thereto; or

(b) present a hazard to any human being, animal, bird or fish;

(c) could cause contamination to any food, as defined in the Food and Food Standards Act [Chapter 15:04], or any other article, substance or mixture of substances which may endanger the health of a human being, animal, bird or fish.

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6 (1) No person shall use any hazardous substance specified in column 1 of the *Third Schedule*, or open the container and repackage such a substance in any other container, unless he or she ensures that—

(a) all persons involved take all the necessary precautions in the handling of that substance, including the wearing of appropriate protective clothing; and

(b) appropriate measures-are taken for the safety of any other person who may be at risk from exposure to that substance; and

(c) there are immediately available all the requirements for the administration of the, appropriate first-aid treatment, and that there is a person immediately available, and capable of taking the necessary action in the event of an accident.

(2) Any person who violates subsection (1) shall be guilty of an offence and liable to a fine not exceeding level fourteen or to imprisonment for a period of one year or to both such fine and such imprisonment.

7 (1) No employer shall authorize the handling of any hazardous substance unless he or she ensures that—

(a) persons handling the hazardous substance—

(i) are aware of the prescribed warning, signs, symbols,, and risks involved in exposure to such substances;

(ii) on the conclusion of an operation involving such substance, wash thoroughly all parts of their bodies that could have been in contact with the substances, even though any contact may not have been obvious during the operation;

(iii) change and launder their protective clothing daily;

(iv) wash their waterproof boots thoroughly and dry them;

(v) wash their gloves thoroughly before and after removal with soap or detergent and water;

- (vi) clean their faces , their respirators and facemasks thoroughly after by sponging with soapy water followed by sponging with clear water;
 - (vii) take frequent rest breaks to remove protective clothing if high temperatures make the wearing of protective clothing unbearable;
 - (viii) wash as quickly as possible a contaminated body area with soap and water, avoiding scrubbing with a brush;
 - (ix) flush contaminated eyes with cold water, for at least 15 minutes;
 - (x) are brought to immediate medical attention if any of them feel ill while working with the hazardous substance;
 - (xi) wear all appropriate protective clothing or other item of protection against any hazard that has been issued to them;
- (b) persons not handling the hazardous substance are kept from exposure to such substance and are made aware of the risk of exposure;
 - (c) protective clothing is regularly inspected and replaced if damaged;
 - (d) such other precautions relating to a particular hazardous substance as may be specified in any other enactment are complied with; and
 - (e) there is immediately available a person who—
 - (i) is capable of administering the appropriate first aid treatment in the event of an accident, and such person is properly equipped for the purpose;
 - (ii) holds a valid certificate of competency issued by the Red Cross, St John 's Ambulance or any other approved organisation.

1) No person,

8 (1) Any person who imports for sale, manufactures, stores or sells a hazardous substance specified in the *Third Schedule* shall immediately notify the Licensing Officer, and shall—

- (a) apply for a licence in the form prescribed in the *Second Schedule*; and
- (b) pay the licensing officer a fee as prescribed in the *First Schedule*.

(2) Anyone who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level three, or imprisonment not exceeding one month or both such fine and such imprisonment.

[Section 8(1) amended and Section 8(2) inserted by SI 129/11 with effect from the 11th November,2011.]

9 (1) No person shall use herbicides, pesticides, fungicides or any toxic substances for commercial agriculture or public health pest control or veterinary vector control without a licence issued by the Agency.

(2) Any person who applies for a licence to carry out activities referred to in subsection (1) shall—

- (a) make an application in the form prescribed in the *Second Schedule*;
- (b) pay to the licensing officer a fee prescribed in the *Second Schedule*.

(3) The licence holder shall comply with the conditions attached to the licence which will include and not limited to the following—

- (a) type of hazardous substance;
- (b) application method and rate;
- (c) storage methods;
- (d) disposal of empty containers;
- (e) report on procedure concerning the use of hazardous substances;
- (f) environmental pollution control systems;

(g) environmental quality monitoring.

10 (1) A licence issued in terms of these regulations shall not be transferable to any other person, except with written approval of the Agency.

(2) A licence shall be valid for a period of **12 months** (January to December of the year of application) unless any period is specified in the licence.

(3) The Agency may, at any time while a licence is in force, review it and amend or cancel it where there has been any material change in the circumstances in respect of which it was originally issued or any failure on the part of the licence holder to comply with any of its terms or conditions.

(4) A licence shall relate only to the particular facility or method in respect of which it was issued and not to any other such facility or method or to any substantial alteration or modification of the facility or method originally licensed. A facility or person that manufactures, sells, imports or uses all sorts of classes of hazardous substances shall be registered for the Red category and be authorised to deal with the other classes without necessarily having to pay for the registration of other classes of hazardous substances.

(5) Officers of the Agency shall monitor compliance with the terms of the licence, for which purpose the licence holder shall allow any officer of the Agency duly authorised access to the disposal site during normal working hours or any other time as the circumstances may require, for the purposes of inspection and the collection of samples.

(6) The licence holder shall compile and submit **within a period of 6 months** ending on the 30th June and 31st December in each year to the Agency **a bi-annual return** of the total volume or mass of hazardous waste and of the quality and nature of waste disposed of by the licence holder **no later than 14 days** after the quarter to which the return relates.

(7) Every licence holder who violates this section shall be guilty of an offence and liable to a fine not exceeding level fourteen or to imprisonment for a period of one year or to both such fine and such imprisonment.

(8) Every licence holder shall **maintain records** of all relevant information pertaining to management of the licensed waste or effluent, including flow or disposal records, waste analysis, receiving environment analysis, accidental discharges and pertinent correspondence with the Agency :and these records shall be retained and available for inspection at the request of any officer of the Agency **for a period of 5 years**.

11 (1) The Agency shall keep a register of licences issued in terms of these regulations in which the following information shall be recorded—

(a) the name and address of the licence holder, the location of the site of the disposal in respect of which the licence is issued and the facility or method involved in the disposal;

(b) the date on which the licence was issued, renewed or amended;

(c) the class of licence that was issued, renewed or amended;

(d) the term of the licence's validity;

(e) the particulars of any cancellation or suspension of the licence and of the restoration of any such cancelled licence or the termination of any such suspension;

(f) such particulars as the Agency may deem fit.

(2) The register of licences shall be open to inspection by members of the public at all reasonable times and at such premises as the Agency may determine on the payment of a fee prescribed in the *First Schedule*.

(3) The Agency shall publish an annual report listing the number of licence holders by classification; the number of licence applications received, approved and rejected; the income from the application of the regulations; and the expenditure of the Agency.

(4) The Agency shall, from time to time, maintain and publish an up to date guidelines on how licences shall be issued, including the considerations it shall have regard for when issuing them and generally on the manner in which it intends to apply these regulations.

12 These regulations shall **not apply** to producers of—

- (a) ink or rigid or semi-rigid ball-point cartridges;
- (b) ink in porous-tipped ink-marking devices in which the ink is held by an absorbent material so that there is no free liquid within the device;
- (c) dry ink intended for use as a liquid after the addition of water, provided that the dry ink concentrate in a single container does not have a mass greater than **100 mgs**;
- (d) shoe, car, furniture, floor and other wax polishes in respect of solvents, provided that the viscosity of such products is such that they will not flow from their opened containers when inverted for **5 minutes at 30 ° C**;
- (e) polishing or cleaning products which consist of a carrier of solid, particulate or fibrous composition in respect of solvents, if such solvents are fully absorbed by the solid, semi-solid, or fibrous carrier;
- (f) single-use spot-removers which consist of pads of cotton or other absorbent material saturated with solvents in respect of such solvents, provided that the total amount of solvent in each container does **not exceed 10 millilitres**.

13 (1) Where an **outer container** of 1 or more groups of hazardous substances, is consigned for conveyance by public transport by road, rail, air, pipeline or water shipment, the container shall bear a **red equilateral triangle** within which a skull and cross-bones symbol in black; and below which shall have are the warnings "POISON", "CORROSIVE", "FLAMMABLE", "AVOID CONTACT WITH COMBUSTIBLE MATERIAL" or "DANGEROUS WHEN WET"; as appropriate to the hazardous substances in the container, in colour contrasting with its background, all of such size as to be conspicuous.

(2) No operator shall transport any type of conveyance whether by air, road, water, pipeline or rail **without a Licence issued to the operator** by the Agency.

(3) The requirement of a transportation licence shall apply to substances that are corrosive, flammable, toxic, carcinogenic, *teratogenic, or any substance listed in *Third Schedule* or as the Agency shall advise from time to time.

[= producing misshapen or monstrous organisms or tumours -Editor]

(4) Any person who transports hazardous substance or is required to store hazardous substance in a container, shall use a container that is designed, constructed or lined with materials that are compatible with the hazardous substance.

(5) A person who uses a container to store or transport hazardous substance shall—

- (a) keep the container closed at all material times during storage or transport; and
- (b) not open, handle, store or transport the container in a manner which may cause it to leak or rupture.

(6) No person shall store or transport in the same container—

- (a) 2 or more hazardous substances which are not compatible, or
- (b) a hazardous substance which is not compatible with any substance placed in the container.

(7) No person shall place hazardous substance in an unwashed container that previously held a material which is incompatible with that hazardous substance.

(8) No person shall store or transport hazardous substance in a small inside container within a labpack unless—

- (a) the container is enclosed within an open head metal labpack which
 - (i) has a tight fitting gasketed lid;
 - (ii) is lined with a plastic bag not less than 4 mm thick;
- (b) the container is not leaking and is securely sealed;

- (c) any container of liquid hazardous substance is put inside a clear plastic bag **not less than 4 mm thick** which is sealed before being placed inside the labpack;
- (d) the substance within the container is identified either by—
 - (i) the original label on the container; or
 - (ii) a new label applied to the container or plastic bag stating the correct shipping name;
- (e) sufficient inert packaging material is used to fill all spaces between the inside containers so as to prevent accidental breakage and leakage;
- (f) a list of the contents and size of each container is—
 - (i) retained for inspection by an officer while the hazardous substance is being stored;
 - (ii) attached to the manifest while the hazardous substance is being transported.

(7) No person shall use a container which contains residues of hazardous substance to hold, store or transport food, animal feed or a product which may directly become part of the human food chain.

(8) No person shall store or transport hazardous substance unless it is placed in a container or otherwise secured so that under normal conditions of storage or transport the hazardous waste does not leak or escape into the environment.

(9) Every owner or operator of a hazardous substance shall display a hazardous substance transportation licence on a visible location on the conveyance and ensure that the licence can be accessible at any time during the shipment of the hazardous substances in the event that an authorised inspector of the Agency demands it.

(10) **No vehicle transporting hazardous substances** shall travel late in the night and early in the morning **between 1800 hours and 0600 hours**.

[subsection (10) inserted by SI 99/08 with effect from the 4th July, 2008.]

[The prohibited timings were extended beyond 2200 hours and 0400 hours by SI 5/11 with effect from the 21st January, 2011.]

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14 (1) The transit through Zimbabwe of hazardous substances or oils is prohibited unless under a licence issued by the Agency and notification is made to the Agency by either or both of the following—

- (a) the state from which such substances originating or the generator or exporter of those substance in that State, and the Agency has acknowledged and assented to such notification in writing;
- (b) the State for which such substances are destined, or the importer of those substances in that State; and the Agency has acknowledged and assented to such notification in writing.

(3) The transit through Zimbabwe of Convention hazardous substances is prohibited unless under a licence and—

- (a) such substances are exported by or imported to a State—
 - (i) that is a contracting party to the **Basel Convention**; or
 - (ii) under a bilateral or multilateral agreement to which both States are a party;
- (b) notification is made to the Agency by the State from which such substances originate or the generator or exporter of those substances in that State and the Agency has acknowledged and assented to such notification in writing.

(4) For the purposes of subsections (2)(b) and (3)(b), the Agency—

- (a) shall endeavour to respond to a notification **within 60 days** of receiving it;

(b) may give its general assent to the **multiple transit through Zimbabwe** of hazardous substances and oils on condition that the substances which are the subject of the notification—

(i) are carried in transit regularly by the same exporter to the same importer *via* the same ports of entry and exit in terms of an agreement or contract between the parties concerned;

(ii) have the same physical or chemical properties on every occasion they are so carried in transit:

Provided that such assent may **not be given** for a **period of more than a year** at a time.

(5) **A copy** of the relevant notification and proof of assent thereto issued in terms of subsection (2), (3) or (4) shall be carried by the transporter transporting **Convention wastes**.

(6) Before a transit licence is issued by the Agency, the applicant shall satisfy the Agency that the applicant has a local company that will be responsible for immediate environmental remediation in the event of an accidental spillage as required by section *sixteen*.

15 (1) In the event of any accidental discharge of hazardous substances; whether from generation plant, point of use, storage facility, transportation vessel, the **owner** or any **person in control** of the transportation shall **within 8 hours** notify the Agency both orally and in writing of the accidental discharge and supply the Agency with information on the circumstances of the accidental spillage which include the following—

(a) the quality of the hazardous substance accidentally discharged;

(b) the quantity of the discharge;

(c) the time the accident occurred;

(d) the location where the accident occurred;

(e) the impacts that the accident has already caused or will cause to the environment;

(f) the plan of action that is to be taken to mitigate against the apparent environmental impacts;

(g) the notification of all users of the receiving environment who are or may be affected by the accidental discharge;

(2) Where an accidental spillage of hazardous substance has occurred and the **Agency cannot be immediately contacted**—

(a) the transporter or any person in control of the transportation shall carry out any such emergency procedures as indicated on the safety data sheets then ensure that the Agency is informed as required **not later than 24 hours**;

(b) compensate any losses incurred by any stakeholder as a result of the accidental discharge;

(c) pay monitoring and environmental fees to the Agency;

d) pay a penalty equivalent to the environmental clean-up costs;

(e) pay an administration fee as prescribed in the *First Schedule* which will be charged to the polluter.

(3) **In the event of traffic accidental spillage** the vessel, consignment and everything else belonging to the transporter shall be in the custody of the Police until the transporter satisfies the Agency that all clean up operations and associated costs are or will be settled by the transporter

(The Agency will issue **clearance in writing** to the transporter for the release of confiscated property).

(4) Any transporter who fails to comply with this section shall be guilty of an offence and liable to pay a fine not exceeding level fourteen or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

16 (1) The Agency through its authorised officers, may issue to any offender who contravenes any part of these regulations with a spot fine (**ticket**): —

Provided that no such fine shall exceed level fourteen.

(2) In the event that the offender fails to pay the spot fine as prescribed on the spot fine ticket the default penalty shall be **zw\$65,000.00 x i**

[**Editor's Note** : refer to the inflation correction factor in **Note (d)** under the *First Schedule*.]

After the lapse of the deadline for the payment of the default, the Agency will not accept payment, the offender will be taken to Court.

17 (1) Any person who—

(a) **causes a hazard to the health** of any human being or any animal, flora or fauna by failing to exercise all care in the manufacture, handling, conveyance, storage, display, use or disposal of any hazardous substance; or

(b) **provides the Agency with information** which is false or which the Agency believes to be deliberately **false**;

shall be guilty of an offence and liable to a fine not exceeding level fourteen, or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(2) A court convicting a person of an offence under these regulations may order the person to do any one of the following—

(a) to take such remedial action, specified by the court on the advice of the Agency, as it may be necessary to restore the environment or works affected by the offence;

(b) to reimburse the Agency for any remedial action taken by it;

(c) to pay compensation for any damage caused by the offence to any permit.

18 (1) Any person who is aggrieved by any decision of the officer or authorised person shall appeal to the Director General in terms of section 129 of the Act.

(2) Any person who is aggrieved by any decision of any Authority shall appeal to the Minister in terms of section 130 of the Act, submitting with his or her appeal the fee prescribed in the *First Schedule*.

(3) Any person who is aggrieved by any order of the Minister shall appeal to the Administrative Court in terms of section 130 of the Act.

19 The Regulations specified in the *Fourth Schedule* are repealed.

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FIRST SCHEDULE (*Sections 18(2) and 18(2)*)

[Paragraphs 1,3,4, & 5 repealed and substituted by SI 5/11 with effect from the **21st January, 2011**.]

Type of registration	Annual	Licence	Fee US \$
1.Manufacturer, user, importer, seller, storage of hazardous substances/products per plant, per person, per premise respectively, per year			
	(i)	Red	640
	(ii)	Amber	500
	(iii)	Green	340

3. Issue of a duplicate licence	(iv)		20
4. Transporters of hazardous substances/products per vessel per year			
	(i)	Red	1030
	(ii)	Amber	650
	(iii)	Green	430
5. Fees for appealing against the decision of the Agency			10

2. TRANSIT Fees for Transporting hazardous substances or products

	Fee charged US \$		
Through pipeline:			
[inserted by SI 129/11 with effect from the 11th November,2011.]			
For foreign transporters	0.02 per litre		
For Local transporters	0.01 per litre		
[substituted by SI 99/08 w.e.f. 4th July ,2008.]			
Foreign transporters			
Weight in tons (T)			
	Green	Amber	Red
Up to and including 10 T	10	20	30
More than 10 T but not exceeding 20T	20	40	60
More than 20 T but not exceeding 30T	30	60	120
More than 30 T but not exceeding 40T	40	80	160
More than 40 T	50	100	200

Notes: —

(a) The registration fee will be billed annually in advance for local transporters and per transit for foreign companies.

(b) If no information is submitted then the fees will be based on the previous quarter's data **plus 50%** or the inspector's estimate, whichever is the higher.

(c) All invoices will be payable **within 30 days of issue** and interest will be charged in accordance with the Agency financial policy.

After 60 days the debt will be handed over to debt collector and a **penalty of 50%** of the principal debt will be charged.

(d) For the avoidance of doubt, all fees will be adjusted by an **inflation correction factor, i.** (the ratio of the current Consumer Price Index (CPI)) to the CPI of the base year given as follows.- CPI/CPI₀. The base year is December 2006 and **i.** for the base year is 1.

(e) **Administration fee** of 5% is charged on all fees.

(f) A **penalty of US\$500** will be charged for **spillage** of hazardous substances into the environment.

[Note (f) inserted by SI 99/08 w.e.f. 4th July , 2008.]

SECOND SCHEDULE (Sections 8(a) and 9(2)(b))

APPLICATION FOR A HAZARDOUS SUBSTANCE LICENCE

(This form must be completed in respect of each premise to be licensed as a manufacturer, importer or stoker, seller, transporters or user of hazardous substance products)

TO the licensing officer for Hazardous Substances and Articles.

1.Full name of applicant:.....

2.Address of applicant:.....

3.Full name and address of premises to be licensed, and name under which business will be conducted:.....

4.Full names and addresses of the manager who will be in personal control of the enterprise (*Note: if a different person is to exercise personal control of the premises, application for the licence to be amended must be made before that person assumes control*):.....

5.Full names and addresses of the principal suppliers of hazardous substances or oils.

Names.....

Address.....

6.In the case where any hazardous substances or oils are imported for the purposes of the enterprise.

Name(s) of importer(s) and ports of entry of the hazardous waste:.....

Address of importer(s):.....

Name(s) of substance(s) comprising the hazardous:.....

Description of container of hazardous substances and label (if available):.....

7.Describe the premises of the enterprise, the operations to be conducted at the enterprise, the precautions to be taken for the protection of persons engaged in the operations of the enterprise, and details of any security precautions against fire, unlawful entry, theft, etc. (e.g. fire-alarms, burglar bars, etc.):.....

.....

I certify that the information supplied in this application is complete and correct, and that I am familiar with the Environmental Management (Hazardous substances, Pesticides and other Toxic substances) Regulations, 2007.

Date:.....

Signature of applicant:.....

Note.—If the space provided on this form is not sufficient, the information required may be provided on a separate document.

HAZARDOUS SUBSTANCE LICENCE

Licence number:.....

1. Full name and address of premises licensed:.....

2. This licence is issued to: —

Full name:.....

Address:.....

3. Full names and addresses of the principal suppliers of hazardous substances

Names:.....

Address.....

4. This licence authorises the.....

5. In the case where any hazardous substances or oils are imported for the purposes of the enterprise:—

Name(s) of importer(s) and ports of entry of the hazardous waste:.....

Address of importer(s):.....

Name(s) of substance(s) comprising the hazardous:

Description of container of hazardous substances and label (if available):

6. This licence is issued subject to the following additional conditions:.....

.....

Date of issue:Date of expiry:.....

.....

Licensing Office

.....

Head of Department Provincial Head

Chapter 20:27 Environment Management Act (Hazardous Substances, Pesticides and other toxic Substances) Regulations, 2007