

PESTICIDES CONTROL ACT, 1996

(Act No. 4 of 1996)



I assent

A handwritten signature in black ink, appearing to read 'F. A. Rene'.

F. A. Rene

President

21st March, 1996

AN ACT to regulate the manufacture, distribution, use, storage and disposal of pesticides for the protection of the public health and the environment and to provide for matters connected therewith.

ENACTED by the President and the National Assembly

PART I - PRELIMINARY

1. This Act may be cited as the Pesticides Control Act, 1996 and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

Short title and commencement

Republic
bound

2. The Act binds the Republic.

Interpretation

3. In this Act -

“authorized laboratory” means a laboratory designated under section 20(3);

“authorized officer” means an authorized officer appointed under section 20(1);

“Board” means the Pesticide Board established under section 4;

“Director General” means the Director of Health Services of the Ministry responsible for Health;

“pesticide” means any substance or mixture of substances intended for preventing, destroying or controlling any pest including any vector of human or animal disease causing harm during or otherwise interfering with the production, processing, storage, transport or marketing of food, agricultural commodities, wood and wood products or animal feedstuffs or which may be administered to animals for the control of insects, arachnids or other pests in or on their bodies and includes substances intended for use as a plant growth regulator, defoliant,

desiccant or agent for thinning fruit or preventing the premature fall of fruit and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport and any biocide;

“Registrar” means the Registrar of Pesticides appointed under section 8;

“Scheduled Operation” means an operation specified in Schedule 4.

PART II - ADMINISTRATION

4. There is hereby established the Pesticide Board.

Establishment of the Pesticide Board

5. (1) The Board shall consist of-

Composition of the Board

- (a) the Director General who shall be its chairperson
- (b) a representative of the Ministry responsible for Health, other than the Director General, nominated by the Minister responsible for Health;
- (c) a representative of the Ministry responsible for Agriculture nominated by the Minister responsible for Agriculture;
- (d) a representative of the Ministry responsible for Environment nominated by the Minister responsible for Environment;

- (e) a representative of the Ministry responsible for Employment nominated by the Minister responsible for Employment;
- Cap 212 (f) a representative of the Seychelles Bureau of Standards, established by section 3 of the Seychelles Bureau of Standards Act, nominated by the Director General of the Bureau;
- Cap 113 (g) a representative of the Licensing Authority, established under section 3 of the licences Act, nominated by the Director of the Authority.

(2) Where a Ministry referred to in subsection (1) is responsible for more than one subject matter referred to in that subsection, the Minister responsible for those subject matters shall nominate a representative to represent on the Board each such subject matter.

(3) The Minister shall publish in the Gazette the names of the members constituted under subsection (1) and the members nominated under paragraph (b) to (g) of that subsection shall hold office for a period of two years from the date of publication.

(4) In the case of a vacancy in the membership of the Board, other than on expiration of the period of office, the Minister who nominated the member who vacated membership shall nominate another person to fill the vacancy and on the publication in the Gazette of the name of the person so nominated, the person shall hold office for the unexpired period of membership of the member who vacated membership.

(5) The Board shall meet not less than once every two months and at such other time as the Chairperson may determine.

(6) one half the number of members of the Board shall constitute a quorum for any meeting of the Board.

(7) The chairperson or, in the absence of the Chairperson, a member elected by the members present at the meeting, shall preside as a meeting board.

(8) Subject to this Act, the Board shall regulate its own proceedings.

(9) The Board may invite any person to attend its meetings and participate in its deliberations on any matter but such person shall have no right to vote on the matter to be decided by the Board.

6. The Board may-

Functions of
the board

- (a) on application made to it under section register any pesticide.
- (b) in the manufacture, import, export, sale. Disposal or use of any pesticides, determine the conditions for the protection of plant material, public health and the environment;
- (c) advise the Licensing Authority on the conditions to be imposed in the grant of licenses relating to pest control services and trade and manufacturing licenses relating to pesticides under the Licenses .Act;
- (d) advise the Minister, other Ministries and departments of the Government on matters relating(I to the manufacture, import, export, sale, disposal, handling, distribution or use of pesticides and on the grant of permits or licenses for any such activity;

- (e) consider and report on any matter relating to pesticides referred to the Board by the Minister, any Ministry or department of the Government or any member of the public,
- (f) arrange training courses for persons engaged in a scheduled operation:
- (g) perform such other functions as may be conferred on it by regulations made under this Act or by any other written law.

Disclosure of interest

7. A member of the Board who is directly or indirectly interested in any matter which falls to be considered by the board shall disclose the nature of the interest at a meeting of the Board and shall not, except with the consent of the board, take part in any deliberation or decision of the Board with respect to that matter.

Registrar of pesticides

8. (1) The Minister shall appoint an officer of the Ministry as the Registrar of Pesticides.

(2) The Registrar shall keep and maintain in such form as the Board may determine -

- (a) a register of pesticides registered by the Board;
- (b) a register of permits granted under section 18;
- (c) a register of persons engaged in or employed in Scheduled Operations;
- (d) such other registers as may be prescribed;

(3) The Registrar shall function as the Secretary of the Board and keep the minutes of the meetings of the Board and perform such other functions as may be assigned to the Registrar by the Board.

PART III - CONTROL OF PESTICIDES

9. (1) the pesticides specified in Schedule 1 are registered pesticides for the purposes of this Act. Registered pesticides

(2) An application for registration of a pesticide not specified in Schedule 1 may be made to the Board and shall contain the following particulars -

- (a) a description of the pesticide giving its trade name, the common name, the active ingredient, other ingredients, its chemical name and concentration;
- (b) name and address of the manufacturer, packager and supplier
- (c) the purpose for which the registration is sought;
- (d) toxicological data. including~ material data sheets, efficacy trials and environmental or health reports and the safe periods after application of the pesticide;
- (e) a statement as to whether the pesticide is banned or severely restricted in the country of origin or of packaging due to health or environment reasons;
- (f) the proposed draft label for the storage, sale or supply of the pesticide;
- (g) proposed method of storage of the pesticide;
- (h) intended method of disposal of the pesticide and its container if so required due to surplus or expiry date for use.

(3) The Board may require an applicant to furnish such other information it may require for the purposes of the application under subsection (2).

(4) Where the Board allows an application for registration of a pesticide, the Registrar of pesticides shall enter the pesticide in the register maintained under section 8(2)(a) and issue the applicant a certificate of registration in the Form in Schedule 3.

(5) Where the Board refuses an application for registration of a pesticide, it shall state the reasons for the decision.

(6) The Registrar shall inform each applicant of the decision of the Board.

(7) Any person aggrieved by a decision of the Board under this section may appeal to the Minister within 15 days of being informed of the decision and the Minister may *on* such appeal affirm or vary the decision of the Board.

(8) The Board shall comply with any decision of the Minister under subsection (7).

Dealing in
non
registered
pesticides

10. Subject to this Act, no person shall manufacture, import, export, sell, offer for sale, supply, use, store, transport, possess, dispose or otherwise deal with any pesticide unless -

- (a) the pesticide is a registered pesticide under and for the purposes of this Act;
- (b) where this Act or any other written law requires a permit or license for any such activity, the person holds a license or permit under this Act or such other law; and
- (c) subject to and in accordance with any conditions specified in the license or permit.

Further
restriction
on import
and
export of
pesticide

11. (1) No pesticide shall be imported or exported except at an entry or exit point designated by the Minister by notice published in the Gazette.

(2) A person who imports or exports a pesticide shall declare and offer for inspection the pesticide at the time of import or export to an officer authorized under a written law to inspect goods imported or exported.

12., (1) No person shall sell, offer for sale or supply any pesticide unless it is labeled in accordance with this Act.

Further
restrictions on
sale or supply
of pesticides

(2) Schedule 2 shall have effect to the labeling of pesticides.

(3) Where a license to trade in pesticides printed under the Licenses (Trade) Regulations prohibits the sale of a pesticide to any person or class of persons, the holder of the license shall not sell or supply such pesticide to such person or class of persons.

Cap. 113
Sub. Leg.
Pd9

13. No person shall transport any pesticide in a vehicle transporting a commodity for human or animal consumption.

Further
restrictions
on transport
of pesticides

14. No person shall store any pesticide except-

Further
restrictions on
storage of
pesticides

(a) in a locked room displaying a notice-

(i) specifying that pesticide are stored therein; and

(ii) prohibiting access to unauthorized persons or children under 15 years of age;

(b) in a manner that the pesticide is not exposed to direct sunlight;

(c) in a leak-proof container; and

(d) at a level 45 centimeters above the ground level of the room.

Scheduled
Operations

15. (1) No person shall, as a trade or business, engage or employ any other person to engage in a Scheduled Operation unless the person or the other person -

- (a) in the case of an individual, is the holder of a certificate of competence, approved by the Board, to engage in the Scheduled Operation;
- (b) in the case of a corporate body, has in its employment persons who are the holders of a certificate of competence referred to in paragraph (a).

(2) A person engaged in any Scheduled Operation, whether as a trade or business or otherwise, shall while so engaged wear protective clothing, approved by the Board, to prevent absorption of pesticide by skin or eye contact, inhalation or ingestion.

Mixing,
pouring and
spillage of
pesticides

16. (1) No person shall mix or pour any pesticide on an open ground within 9 meters of a water course.

(2) Any person who mixes or pours any pesticide shall take precautions to prevent spillage of the pesticide on the soil or floor and shall report any spillage to the Registrar within 24 hours of such spillage.

Scheduled
Operations in
open area

17. Any person engaged in the Scheduled Operation of spraying any ground crop, trees, bushes or climbing plants with a pesticide, other than a household biocide or any such operation where a household biocide in excess of 250 grammes or 1 liter is being used or dealt with, within an open area shall display in a conspicuous place in that area a notice -

- (a) stating that the scheduled operation is being carried on in that area; and

- (b) prohibiting access to that area of any unauthorized person within the period specified in the notice.

18. (1) Notwithstanding anything in section 10 or any other written law, the Director General may grant to an authorized laboratory a permit to import, export or possess a pesticide for scientific research.

Scientific
research

(2) A permit granted under subsection (1) shall be subject to such conditions as the Director General may impose for the protection of plant material, public health and the environment.

(3) The Director General may, where the Director General is satisfied that there has been a breach of any conditions of the permit granted under subsection (1), suspend or revoke the permit.

19. The Director General shall be responsible for-

Responsibilities of
director general

- (a) monitoring of the trade and use of pesticides and the collection of statistics in relation thereto;
- (b) the carrying out, coordination and encouragement of research on pesticides and their use;
- (c) the promotion of public awareness and training related to the use, storage, and disposal of pesticides, the dangers involved in such matters and the safeguards required;
- (d) the liaison with technical authorities of other countries in relation to pesticides;
- (e) the implementation and administration of international conventions relating to the distribution and use of pesticides to which Seychelles is a party and the compliance with international obligations relating to pesticides.

PART IV - ENFORCEMENT

Authorized
officer and
authorized
laboratory

20. (1) The Minister may appoint authorized officers for the purposes of this Act.

(2) The Minister shall issue to every authorized officer appointed under subsection (1) a certificate of authority so to act.

(3) The Minister may designate a laboratory to be an authorized laboratory for the purposes of this Act and may appoint a person to be an analyst for the purpose of examination and analysis of any pesticide.

(4) Any document purporting to be a report signed by the analyst appointed under subsection (3) may, without proof of the signature, be used, until the contrary is proved, as evidence of the facts stated therein in any proceedings under this Act.

Authorized
officer and
authorized
laboratory

21. (1) An authorized officer may -

- (a) inspect, examine and take samples of any pesticide;
- (b) order the disposal, including export, of any pesticide which is not registered under this Act, by the owner or the person in possession of such pesticide, at the expense of the owner or person in possession;
- (c) request any person concerned in the manufacture, import, export, sale, use, storage, transport, possession, disposal or other dealing with pesticides to produce any permit, license or other document relating to such pesticides;
- (d) where the officer has reasonable grounds to suspect that a person is not complying with this Act, enter any premises in the possession of such person and

search the person or any premises, or any conveyance or package in the person's possession and seize and detain any matter which the officer has reasonable grounds to believe would afford evidence of such non-compliance;

(e) arrest and detain any person whom the officer believes on reasonable grounds of having committed or being about to commit an offence under this Act for the purpose of investigation or prevention of the commission of the offence.

(2) An authorized officer shall if so requested by any person affected, produce the certificate of authority issued under section 20(2).

(3) An authorized officer may, where the authorized officer considers it necessary, call for and obtain the assistance of any police officer or an officer of the trades tax division, postal or agricultural services of the government in carrying out the functions of the authorized officer under subsection (1) and such officer shall be bound to render such assistance to the authorized officer.

PART V - OFFENCES

22. Any person who -

Offences

- (a) contravenes section 10 or section 11 or section 12(1) or (3) or section 13 or section 14 or section 15(1) or (2) or section 16(1) or (2) or section 17;
- (b) intentionally obstructs or hinders any authorized officer or any officer rendering assistance to an authorized officer in the exercise of the function of such officer under this Act:

- (c) fails to comply with any order or request made by an authorized officer under this Act;
- (d) in an application under section 9(2) furnishes false or misleading particulars;
- (e) alters or modifies any permit issued under this Act;
- (f) contravenes any regulations made under this Act,

is guilty of an offence and is liable on conviction to a fine of R10;000 and imprisonment for 2 years and, if the conviction is for a second or subsequent offence under the Act, is liable to a fine of R20,000 and imprisonment for 3 years.

(2) Where a person is convicted of an offence under this Act, the court may, in addition to any other penalty imposed under subsection (1), order to be forfeited to the Republic any thing used in the commission of the offence or the proceeds of the sale of such thing, if already sold by the person convicted.

(3) Any thing which has been forfeited under subsection (2) may be disposed in such manner as the Minister thinks fit.

23. The Minister may for a breach of any condition in a license or permit in relation to pesticides granted under any other written law suspend the license or permit for a period of 21 days where the Minister is of opinion that such action is necessary in the public interest or for the protection of public health and the environment and shall inform the authority granting the license or permit of such action.

Minister's
powers in
relation to
licenses and
permits under
other written
laws

PART VI - MISCELLANEOUS

24. The Director General may delegate in writing any of the functions of the Director General under this Act to any other officer of the Ministry responsible for Health.

Delegation

25. (1) The Minister may, after consulting the Board, make regulations -

Regulations

- (a) with the concurrence of the Minister responsible for agriculture, to improve the safe and efficient use, storage, handling and disposal of pesticides in agriculture:

with the concurrence of the Minister responsible for health, to protect the public health and, in particular, the health of workers against the hazards arising from the manufacture, use, storage, handling and disposal of pesticides:

- (c) with the concurrence of the Minister responsible for environment, to protect the environment against the hazards arising from the manufacture, use, storage, handling and disposal of pesticides.

(2) Without prejudice to subsection (1), the Minister may make regulations for carrying out the provisions of this Act and in particular -

- (a) for the control of pesticides in transit;
 - (b) for the handling of pesticides in consultation with agencies responsible, for such handling;
 - (c) for the regulation of pest control services and Scheduled Operations including those employed in such services or Operations;
 - (d) for the import and export of pesticides;
 - (e) for the control of the distribution, use, storage, and disposal of pesticides;
- for sampling and laboratory testing of pesticides;

(g) for prescribing fees for applications to register pesticides and for issue of permits under the Act;

(h) for amending the Schedules.

This Act to prevail over other written law

26. Where there is any inconsistency between any provision of this Act and any other written law, the provision of this Act shall apply.

SCHEDULE 1
REGISTERED PESTICIDES

Section 9

1. FOR USE IN PLANT PROTECTION

A. Insecticides and Acaricides

1. Permethrin
2. Dimethoate
3. Deltamethrin
4. Methidathion
5. Malathion
6. Carbaryl
7. Fenvalerate
8. Dicofol
9. Primiphos - ethyl
10. Sulphur
11. Teflubenzuron
12. Bacillus thuringiensis

B. Fungicides

13. Benomyl
14. Mancozeb

- 15. Copper hydroxide
- 16. Copper oxychloride
- 17. Metalaxyl
- 18. Dimethirimol
- 19. Sulphur
- 20. Chlorothalonil

C. Nematicides

- 21. Fenamiphos

D. Molluscicide

- 22. Metaldehyde

E. Rodenticides

- 23. Brodifacoum
- 24. Difenacoum

F. Herbicides

- 25. Paraquat
- 26. Glyphosate

2. ECTOPARASITICIDES FOR VETERINARY USE

Aquila Shampoo	Gamma BNC 0.75, Formaldehyde
Alugan concentrate	Bromocyclene
Aludex	Amitraz 5%
Triatrix	Amitraz 2%
Bayopet Tick & Flea powder	Propoxur 1% mtm
Bayopet Tick Rinse	Flumethrin
Cooperzon 30	Diazinon 30% mtv

Karbadip	Carbaryl 50% m/v
Spotton	Fenthion Methyl 10% m/v
Swift	Permetrin 4°/o m/v
Shampooch Plus	Cypermethrin 0.05% m1v Piperonyl butoxide 0.05% m/m Carbaryl 5% m/m hexachlorophane 1% m/m
Secta Shampoo	Pyrethrins Peronyl butoxide
Bacdip	Quinthiophos
Acclaim Plus	Trichloroethane
6ix-a-cide	Phoxim 50% m/v
Milborrow wound Oil	Dichloropen 1% propetamphos 0.25% m/v
Rofenone	Rotenone
Tetmosal Solution	Monosulfiram 25.0% m/m
Tetmosal soap	Monosulfiram 5% m/m

3. **BIOCIDES FOR USE BY MINISTRY RESPONSIBLE**

FOR HEALTH

Diazinon
Fenthion
Fenitrothion
2% d-phenothrin
Permethrin
Deltamethrin

Synergist SV I

Bacillus Thuringiensis
Bendiocarb

Propoxur

Temephos

Flocoumafen

Bromadiolone

Brodifacoum

HOUSEHOLD BIOCIDES

1 . Insecticide

4.

(A) For flying insects

Pyrethrins

Tetramethrin

Resmethrin

Prallethrin

Diazinon

DDVP

*Allethrin

*Bioallethrin

*Azamethiphos

*Tricoscene

*Dimethoate

(B) For crawling insects

Propoxur

d-Phenothrin

Tetramethrin

Cypermethrin
Bendiocarb
Permethrin
Phenothrin
Cyphenothrin
Deltamethrin
Hydrogen Borate
*Fenitrothion
*Malathion
*Chlorpyrifos
*Carbaryl
*Methomyl
*Zinc Octoate

(C) For larviciding

Temephos
*Fenitrothion

2. Insect Growth Regulator

Pyriproxyfen

Methoprene

Fenoxycarb

Cyromazin

Diflubenzuron

3. Attractant

Muscalure - sex pheromone
for housefly

Metaldehyde - attractant and molluscicide for
slugs and snails

4. Repellent

Diethyl toluamide -mosquito
MGK 874 - cockroach, ant, fly

5. Synergist

Piperonyl butoxide
MGK 264
Sulfoxide
IBTA

Rodenticides

Warfarin

Alpha Chloralose

Bromadiolone

Brodifacoum

**Flocoumafen

*For use only in Schedule. Operations;

**For indoor use in Scheduled Operations:

Note- Where any household biocide is used as an aerosol spray in fogging or in mist blowing, the active materials could be a hazard to human beings and the area sprayed should be ventilated soon after, before occupancy.

SCHEDULE 2

Section 12

Labeling
Requirements

No person shall sell or offer or store or give to any person a pesticide whether in a large or small package unless it bears a label (or has an attached information sheet) which complies with the following labeling requirements.

- i. Both trade name and common name.
 - ii. Description of use (e.g. Insecticide, Fungicide, Wood preservative)
 - iii. Names of active ingredients with its amount or percentage composition.
 - iv. Net weight or volume of the contents in the container.
 - v. Name of importer and manufacturer or packager.
 - vi. Directions for use, including warnings and safe periods
 - vii. Dates of packaging and expiry.
 - viii. Safety precautions,
 - ix. Important symptoms of poisoning, First Aid, and any specific antidote.
 - x. International hazard symbol and hazard statement, with the color band at the bottom at least 15% of the height of the label.
2. The label must be printed in Creole or English or French or a translation of another language label must be attached to the container in Creole and English. The label and tie-on label must be legible and easy to read.
 3. The statement "KEEP LOCKED UP OUT OF REACH CHILDREN" should be included on each label.
 4. The hazard symbol and classification is to be printed prominently on the label and is as given in the

**Table of Symbols and Statements Based on the WHO
Hazard Classification**

Class	Hazard statement	Color code	Pictorial symbol	Acute LD 50 (rat) mg/kg body weight			
				Oral solid	Oral liquid	Dermal solid	Dermal liquid
La	Extremely hazardous VERY TOXIC	Red (pan-tone red 199-c)	Skull& cross-bones	5 or less	20 or less	10 or less	40 or less
Lb	Highly hazardous TOXIC	Red (pan-tone red 199-c)	Skull& cross-bones	5-50	20-200	10-100	40-400
II	Moderately hazardous HARMFUL OR IRRITANT	Yellow (pan-tone yellow-c)	St. Andrew's cross	50-500	200-2000	100-1000	400-4000
III	Slightly hazardous CAUTION	Blue (pan-tone blue 293-c)	-	Over 500	Over 2000	Over 1000	Over 4000

(5) The following terms are not permitted to be printed on the label :
SAFE, HARMLESS, NON-TOXIC, NON-PIOSONOUS, NON-
INJURIOUS, THE BEST, MOST EFFECTIVE, UNRIVALLED.

6. In this Schedule -

"Label" means the written, printed, or graphic matter on or attached to, the package containing a pesticide; or the immediate container thereof' and the outside container or

"Common name" means the name assigned to a pesticide active ingredient by the International Standards Organization or adopted by the Seychelles Bureau of Standards to be used as a generic or non-proprietary name for that particular active ingredient only;

"LD50" means dose of toxicant required to kill 50% of test animals. A dosage of -

5 mg/kg body wt. is equal to a few drops ingested or a splash in the eye;

5-50 mg/kg body wt. is equal up to a teaspoonful; and

50-500 mg/kg body wt. corresponds to up to 2 tablespoonfuls.

SCHEDULE 3
CERTIFICATE OF
REGISTRATION OF PESTICIDES

Section 9(4)

.....
of.....

has registered the pesticide(s), the particulars of which appear below. This registration is valid for one year with effect from subject to the conditions stated on the reverse of this

An import permit or license may be issued on the basis of this registration, subject to conditions required by the issuing authority. Import should be in one or two consignments only.

Trade Name	Common Name and Active Ingredient	Particulars of pesticide(s)		Hazard Classification
		Place(s) of storage/use	Quantity	
Date	Registrar of Pesticides			

SCHEDULE 4

SCHEDULED OPERATIONS

An operation of any one of the following descriptions in this Schedule is a Scheduled Operation.

- (I) Opening a package containing, or diluting, mixing or transferring from one container to another- any pesticide other than a household biocide;
- (II) Spraying any ground crop, trees, bushes or climbing plants with any pesticide, other than a household biocide;
- (III) Washing or cleaning any spraying apparatus that has been used for spraying a pesticide other than a household biocide;
- (IV) Spraying, fogging or applying a pesticide, other than a household biocide, in a building;
- (V) Any single operation specified in paragraphs (I) to (IV) where a household biocide in excess of 250 grammes or 1 liter is being used or dealt with.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 12th March, 1996.

A handwritten signature in black ink, appearing to read 'Gemmell', with a horizontal line underneath.

Sheila Gemmell

Clerk to the National Assembly