

No. 7.]

*Pesticides Control Act*

[1975.

I ASSENT

[L.S.]

ALLEN LEWIS  
*Governor.*

[ 3rd April. 1975. ]

**SAINT LUCIA**

**No. 7 of 1975.**

AN ACT to provide for the control of the manufacture  
importation, sale, storage and use of pesticides.

[ On Proclamation ]

BE IT ENACTED by the Queen's Most Excellent  
Majesty, by and with the advice and consent of the  
House of Assembly of Saint Lucia, and by the authority  
of the same as follows :—

1. This Act may be cited as the Pesticides Control Short title.  
Act 1975.

2. In this Act —

“ advertisement ” means any representation by Interpretation.  
any means whatsoever for the purpose of  
promoting directly or indirectly, the sale or  
other distribution of any pesticide ;

- “ approved analyst ” means the government analyst or any other analyst approved by the Minister ;
- “ article ” or article to which the Act and regulations apply means —
- (a) a pesticide or any produce to which a pesticide is believed to have been applied ; or
  - (b) anything used for the manufacture, packaging, storage, application or use of a pesticide ; or
  - (c) any labelling, packaging or advertising material which relates to a pesticide ;
- “ Board ” means the Pesticides Control Board established under section 3 ;
- “ container ” means anything in which a pesticide is wholly or partially contained or packed ;
- “ extermination ” means —
- (a) the destruction or control of pests on or over land by the use of pesticides ; or
  - (b) the destruction or control of pests in on or adjacent to a building or in a vehicle or on ships or in aircraft by the use of pesticides ;
- “ Government analyst ” means an officer of the Government performing the duties of an analyst by whatever name he is called ;
- “ Inspector ” means a person appointed as an inspector under section 4 ;
- “ label ” means any legend word or mark attached to, included in belonging to or accompanying a container ;
- “ manufacture ” means the formulating, compounding or synthesizing of a pesticide ;
- “ Minister ” means the Minister responsible for agriculture ;
- “ owner ” means the owner of an article, his servant or agent, the person in whose possession an article is found, the owner of land or building or vehicle or thing in which

or on which an article is found, or the employer of a worker ;

“ packaging ” means the activity of putting pesticides in containers for sale or distribution;

“ pest ” means any insect, rodent, bird, mollusc, nematode, fungus, weed micro organism, virus, ecto parasites of nemo, ecto parasites or endo parasites of animals and any other kind of plant or animal life which is injurious, troublesome or undesirable to growing crops, produce, process food, wood, clothes, fabrics or other inanimate objects and includes anything which is undesirable under any enactment relating to the control of pests.

3.—(1) There is hereby established a Board to be called the Pesticides Control Board and the provisions of the Schedule shall have effect in relation to the constitution of the Board and otherwise in relation thereto.

Establishment  
of Pesticides  
Control Board.  
Schedule.

(2) The functions of the Board shall be —

(a) to advise the Minister on matters relevant to the making of regulations under this Act; and

(b) to carry out the provisions of the Act and the regulations.

(3) The Minister may assign such public officers as he thinks fit to be inspectors for the purpose of assisting the Board in the performance of its functions under this Act.

(4) The Board shall, for the purposes of paragraph (b) of subsection (2), have all powers which are necessary and incidental to its proper carrying out of the provisions of this Act and the regulations and in pursuance thereof, the powers exercisable by inspectors under this Act and the regulations are deemed to have been conferred on them by the Board.

4. The Minister may appoint as inspectors suitably qualified persons for the performance of any function under this Act and the regulations.

Appointment of  
Inspectors.

Authorisation of  
entry.

5.—(1) An Inspector for the purposes of this Act and the regulations, may at any reasonable hour enter any land, premises, vehicle, ship, boat or aircraft.

(2) An Inspector shall —

- (a) before entering any land, premises, vehicle, ship, boat or aircraft under the authority of this section produce on request an instrument (signed by the Chairman of the Board) authorising him to enter ; and
- (b) shall give twenty-four hours notice to the occupier of a dwelling house of his intention to enter that dwelling house :

Provided that if he intends to enter a dwelling house in which he believes there are washing facilities or other things provided under the Act or the regulations for the use of persons who are not living in that dwelling house it shall not be necessary to give any notice to the occupier of his intention to enter.

(3) This section applies to any land or premises, vehicle, ship, boat or aircraft—

- (a) on which a pesticide is being, has recently been, or is about to be used, manufactured, sold, packaged or stored ;
- (b) which is being used or has recently been used or is about to be used for a purpose connected with the use, manufacture, sale, packaging or storage of pesticides ;
- (c) on which apparatus and facilities required to be kept by the regulations are kept ; or
- (d) which an inspector has reasonable cause to believe to be land or premises mentioned in paragraphs (a) to (c).

Powers of  
Inspectors.

6.—(1) An Inspector may —

- (a) require the production of and may inspect, examine and copy registers, records or other documents required to be kept by the regulations ;

- (b) make examinations and enquiries to discover whether this Act and the regulations are complied with ;
- (c) require any person he finds on land, premises, vehicle, ship, boat or aircraft which he enters under section 5 to give information to the best of his knowledge as to who is the occupier of that land or premises, or who is in control of that ship, boat or aircraft, or who is the employer of workers employed to work thereon or therein ;
- (d) interview either alone or in the presence of any other person with respect to the observance of this Act or the regulations, any person whom he has reasonable cause to believe to be, or to have been within the preceding two months, employed to work thereon or therein, but a person so interviewed may not be required to answer any question or make any statement tending to incriminate himself ;
- (e) arrange for the medical examination by a duly authorised medical practitioner, of persons suffering from toxic effects produced by pesticides ;
- (f) take samples under section 8 ;
- (g) seize and detain for such time as may be necessary any article by means of which or in relation to which he reasonably believes any provision of this Act or the regulations has been contravened ;
- (h) exercise such other powers as may be necessary for carrying into effect this Act and the regulations.

(2) An Inspector shall release an article seized under paragraph (g) of subsection (1) when he is satisfied that all the provisions of the Act and the regulations are complied with.

(3) Any article seized under paragraph (g) of subsection (1) may at the option of an inspector be kept or stored in the building or place where it is seized or

may at the direction of an inspector be removed to another place.

(4) Where an Inspector seizes an article under paragraph (g) of subsection (1) and the owner then consents to its destruction the article shall thereupon be forfeited and may be destroyed or otherwise disposed of as the Board may direct.

(5) Where an Inspector seizes an article under paragraph (g) of subsection (1) and the owner does not consent as aforesaid the owner may appeal to the Board whose decision shall be final.

## Regulations.

7.—(1) The Minister may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act and in particular for,—

- (a) prohibiting the manufacture, packaging, importation, advertisement, sale and use of particular pesticides or classes of pesticides ;
- (b) controlling the manufacture, packaging, importation, transportation, advertisement and sale or other distribution of particular pesticides or classes of pesticides ;
- (c) controlling the use of any pesticides or classes of pesticides used for the destruction or control of pests either —
  - (i) in or over land or on particular crops or pests ; or
  - (ii) in on or adjacent to a building or vehicle ; or
  - (iii) in or on boats, ships, or aircraft ;
- (d) controlling the use of pesticides on produce during its storage or transportation ;
- (e) prescribing the conditions under which pesticides may be stored ;
- (f) protecting workers against the risk of poisoning or other injury by pesticides ;
- (g) prescribing the permissible level of any pesticide in any particular kind of produce at the time of marketing ;

- (h) empowering an inspector to make an order for the termination of an extermination.

(2) Regulations made under subsection (1) may contain provisions —

- (a) controlling the quantities of pesticides which may be imported or manufactured, the types of containers in which such substances may be imported, transported, offered for sale or otherwise distributed ;
- (b) controlling the labelling of containers, their subsequent disposal and disposal of unwanted stocks of pesticides ;
- (c) requiring the keeping and inspection of records and the furnishing of returns and other information with respect to pesticides ;
- (d) restricting or prohibiting the use of particular pesticides or classes of pesticides ;
- (e) imposing restrictions on pest control operations and their servants or agents ;
- (f) imposing duties on employers of workers, on workers themselves and on others ;
- (g) requiring the provision and keeping in good order of —
  - (i) protective clothing ;
  - (ii) proper equipment ;
  - (iii) facilities for washing and cleaning ;
  - (iv) other things needed for protecting persons, clothing, equipment and appliances from contamination by pesticides or for removing sources of contamination therefrom, and the production thereof on the request of an inspector ;
- (h) requiring the use of devices by employers —
  - (i) to warn against poisoning by pesticides ;
  - (ii) to ensure proper use of the apparatus and facilities provided in pursuance of the regulations ; and
  - (iii) to warn against eating, drinking and smoking where there may be a risk of poisoning by pesticides ;

- (i) prescribing limits to periods of exposure of workers to risks of poisoning by pesticides and the length of the intervals between periods of exposure ;
- (j) requiring special precautions to be taken by employers in the cases of workers who because of their state of health, age or other circumstances are subject to particular risks of poisoning by pesticides ;
- (k) imposing prohibitions and restrictions whether temporary or permanent regarding employment of the class of workers mentioned in paragraph (j) ;
- (l) prescribing measures for investigating and detecting cases in which poisoning of workers by pesticides has occurred or may reasonably be thought to have occurred, including medical examinations, the collection of samples, and the making of blood tests ;
- (m) requiring employers to provide proper facilities for first aid treatment and the safety of workers ;
- (n) requiring employers to provide, and the necessity for workers to submit to instruction and training in the use of apparatus and facilities provided in pursuance of the regulations ;
- (o) prescribing standards for composition of pesticides ;
- (p) making it necessary to obtain a licence to manufacture, import, package, sell or otherwise distribute or use any pesticide ; and to provide for exemptions from such regulation ; or to operate as a pest control operator ; or to serve as an employee of a pest control operator ;
- (q) prescribing the manner for application and grant of licences necessary under paragraph (p) and the grounds for revocation of such licences.



(3) Regulations under this section may :—

- (a) make different provisions to meet different circumstances and provide for differences in the composition of specific pesticides having regard to their poisonous effects under different conditions and on different classes of workers ; and
- (b) provide for the exemption of particular cases or of particular workers from the operation of part or all of the regulations ;
- (c) require a pest control operator to insure against liability.

(4) Regulations made under this Act shall be subject to negative resolution of the House of Assembly.

8.—(1) An inspector may take samples of articles to which this Act and the regulations apply without paying compensation to the owner —

Taking of samples for analysis.

- (a) where those articles are being used, are exposed for sale, are in storage or are being transported ; or
- (b) with approval of the Comptroller of Customs are imported and are still within the control of the Comptroller of Customs.

(2) An inspector taking a sample under subsection (1) with the intention of having it analysed shall if practicable —

- (a) forthwith after taking it give notice of his intention to the owner of the article ;
- (b) immediately divide the sample into parts and mark, seal and fasten each part in such manner as its nature will permit ; and
  - (i) on the request of an owner deliver one part to him ;
  - (ii) retain one part for future comparison ; and
  - (iii) if the inspector thinks it fit to have an analysis made, submit one part to an approved analyst.

(3) Where it is not practicable for an inspector to give notice under subsection (2) he shall, if he intends to have the sample analysed and can ascertain the name and address of the owner, forward one part of the sample to him by registered post or otherwise, together with a notice informing him that he intends to have the sample analysed.

(4) Notwithstanding anything contained in subsections (2) and (3) —

- (a) where the Inspector is of the opinion that the division of a sample would affect the accuracy of an analysis the inspector may, subject to paragraph (c) submit the entire sample for examination ;
- (b) where an entire sample is submitted under paragraph (a) the analyst shall before making the analysis divide the sample into two parts and retain one part for future comparison ;
- (c) Where the owner objects to the procedure set out in paragraph (b), and at his own expense supplies a quantity of the same article which in the opinion of the inspector is sufficient for a division under subsection (2) to be made, the inspector shall follow the procedure set out in subsection (2) of this section

(5) A document purporting to be a certificate by an approved analyst as to the result of an analysis of a sample shall in proceedings under this Act be admissible as evidence of the matters stated therein, but either side may require the person by whom the analysis was made to be called as a witness.

(6) If in any proceedings under this Act the informant intends to rely on evidence relating to a sample taken under this section —

- (a) a copy of the analyst's certificate shall be served with the summons ; and
- (b) the part of the sample retained by the inspector for future comparison may be produced at the hearing.

(7) The Court before which proceedings are taken under this Act may, on the application of any party to the proceedings, cause the part of any sample produced to be sent to an approved analyst whose certificate is then before the Court, who shall make an analysis and transmit to the Court a certificate of the result thereof, and the Court may, after determination of the case make an order for recovery of costs incurred in respect of the analysis.

9.—(1) Any person who —

Offences and  
Penalties.

- (a) assaults, resists, obstructs or intimidates any inspector in the execution of his duty ;
- (b) uses indecent, abusive, or insulting language to any inspector in the execution of his duty ;
- (c) interferes with or hinders an inspector in the execution of his duty ;
- (d) by a gratuity, bribe, promise or other inducement, prevents or attempts to prevent any inspector from carrying out his duty ;
- (e) without the authority of an inspector, removes, alters or interferes in any way with an article seized under paragraph (g) of section 6 (1) ;
- (f) contravenes any provision of this Act or the regulations.

is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty dollars and in the case of a continuing offence to a fine not exceeding fifty dollars for each day or part thereof during which the offence continues after conviction.

(2) The Court may, in addition to any other penalty it may impose order that —

- (a) the articles in respect of which the offence was committed be forfeited ;
- (b) stocks held in other parts of the Island by the accused be forfeited ;
- (c) after forfeiture, the articles in question be destroyed or modified to bring them in conformity with this Act and the regulations ;

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- (d) the accused be disqualified from holding or obtaining a licence to import, sell or use pesticides under this Act or the regulations.

Expenses.

10. All sums required for the purposes of carrying out the provisions of this Act shall be payable out of the Consolidated Fund.

Crown.

11. This Act and the regulations shall bind the Crown subject to any modifications provided for in the regulations.

Commencement.

12. This Act shall come into force on such day as the Governor may appoint by proclamation published in the *Gazette*.

Passed in the House of Assembly this 25th day of March, 1975.

W. ST. CLAIR DANIEL,  
*Speaker.*

## SCHEDULE

(Section 4)

## CONSTITUTION OF THE PESTICIDES CONTROL BOARD

1.—(1) The Pesticides Control Board to which section 37 (1) of the Interpretation Act, 1968 shall apply, shall consist of —

- (a) The Chief Agricultural Officer assigned by the Minister and who shall be the Chairman ;
- (b) the Chief Medical Officer ;
- (c) the Government Analyst, or such other person performing the duty of Analyst ;
- (d) two other persons one of whom may be a public officer.

(2) The Minister may appoint any person to act temporarily in the place of any member of the Board in case of the absence or inability to act of such member.

(3) A member of the Board shall hold office for a term of 3 years unless he dies, resigns or is removed from office by the Minister for cause before the end of that term, but —

- (a) a member who is appointed to fill a vacancy created by the death, resignation or removal from office for cause of a former member shall hold office only for the unexpired portion of the term of that former member ; and
- (b) every member is eligible for re-appointment for a further term.

(4) The Minister may grant leave of absence to a member of the Board and may appoint a person to act in the place of that member.

(5) A member of the Board, other than a public officer, may resign his office by instrument in writing addressed to the Minister, transmitted through the Chairman and from the date of the receipt of such instrument by the Minister such member shall cease to be a member of the Board.

2.—(1) Three members of the Board shall form a quorum.

(2) Decisions of the Board shall be by a majority of votes and, where the voting is equal the Chairman shall have a casting vote.

3. The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Board determines.

4. The Chairman shall preside at the meetings of the Board and where the Chairman is absent from any meeting the members present may elect one of themselves to act as Chairman for that meeting.

5. Subject to this Schedule the Board may regulate its own proceedings.

6. The Minister may assign a public officer to perform the functions of Secretary to the Board.

7. All documents made by, and all decisions of, the Board may be signified under the hand of the Chairman or any member of the Board authorised to act in that behalf or by the Secretary of the Board.

SAINT LUCIA

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