

ANTIGUA AND BARBUDA



THE PESTICIDES AND TOXIC CHEMICALS (REGISTRATION, LICENSING AND PERMIT) REGULATIONS, 2013.

STATUTORY INSTRUMENT

2013, No. 59

*[Published in the Official Gazette Vol. XXXIV No.13
dated 13th February, 2014]*

Printed at the Government Printing Office, Antigua and Barbuda,
by Ralph George, Government Printer
— By Authority, 2014.

[Price \$13.10]

**THE PESTICIDES AND TOXIC CHEMICALS (REGISTRATION, LICENSING AND
PERMIT) REGULATIONS, 2013****ARRANGEMENT****Regulations****PART 1****PRELIMINARY**

1. Short title.
2. Interpretation.

PART 2**REGISTRATION**

3. Requirement for licence.

**DIVISION 1 – APPLICATION FOR REGISTRATION OR RENEWAL OF
REGISTRATION**

4. Application to Board.
5. Form and Content of Application.
6. Request for further information.

DIVISION 2 – DETERMINATION OF APPLICATION

7. Public consultation.
8. Time for consideration of application.
9. Requirements for registration.
10. Approval.
11. Refusal.
12. Reasons for refusal.
13. Limitations on use of pesticide or toxic chemical.
14. Content of Register.
15. Renewal.
16. Validity.

DIVISION 3 - AMENDMENT AND CANCELLATION

17. Amendment.
18. Cancellation.
19. Reasons for cancellation or amendment.

DIVISION 4 - AMENDMENT OF ANNEX 1

20. By written notice.

PART 3

LICENCES

DIVISION 1 - APPLICATION FOR A LICENCE

21. Apply to Board.
22. Form and Content of Application.
23. Request for further information.

DIVISION 2 - ISSUE OF LICENCE

A. Procedure

24. Time for consideration of application.
25. Approval.
26. Register of Licence.
27. Refusal.
28. Reasons for refusal.

B. Requirements for approval

29. General requirement.
30. Dealer's Licence.
31. General Licence.
32. Pest Control Operator's Licence.
33. Manufacturer's Licence.
34. Import Licence.

C. Form and Content

35. Approved form, conditions of licence.

Division 3 - Validity, Renewal and Variation

36. Validity.
37. Application for Renewal.
38. Further information for Renewal.
39. Conditions for approval of application for renewal.
40. Conditions.
41. Validity.
42. Amendment.

DIVISION 4 - TRANSFER

43. Request for further information.
44. Consequences and effect of approval.

**DIVISION 5 - AMENDMENT, REVOCATION OR SUSPENSION OF REGISTRATION
CERTIFICATES AND LICENCES**

- 45. Revocation or amendment of Registration.
- 46. Revocation or suspension of Licence.
- 47. Reasons for decision.
- 48. Publication of revocation or suspension.
- 49. Restriction on reapplication.

DIVISION 6 - PREMISES STANDARDS AND OPERATION REQUIREMENTS

- 50. Contained in Annex 3 and in Licence.

**DIVISION 7 - STORAGE, DISTRIBUTION, PACKAGING, LABELLING AND
APPLICATION REQUIREMENTS**

- 51. Contained in Annex 4 and *Gazette*.

DIVISION 8 - AMENDMENT OF ANNEXES 2, 3 AND 4

- 52. By Written Notice.

PART 4**RECORD KEEPING, DECLARATIONS AND NOTIFICATIONS**

- 53. Record keeping and Declarations.

PART 5**MISCELLANEOUS**

- 54. Publication in the *Gazette*.
- 55. Transitional Provisions.

ANTIGUA AND BARBUDA**THE PESTICIDES AND TOXIC CHEMICALS (REGISTRATION LICENSING AND
PERMIT) REGULATIONS, 2013****2013, No. 59**

**THE PESTICIDES AND TOXIC CHEMICALS (REGISTRATION LICENSING AND
PERMIT) REGULATIONS** made in exercise of the powers contained in section 15 of the
Pesticides and Toxic Chemicals Act, 2008.

1. Short title

These Regulations may be cited as the Pesticides and Toxic Chemicals (Registration, Licensing and Permit) Regulations 2013

2. Interpretation

In these Regulations—

“Act” means the Pesticides and Toxic Chemicals Act 2008;

“approved” means approved by the Board;

“Board” means the Pesticides and Toxic Chemicals Control Board established under section 3 of the Act;

“label” means any legend, work or mark, symbol or design applied or attached to, included in, belonging to or accompanying any pesticide or toxic chemical or package of pesticide or toxic chemical;

“premises” means the building and land that the business occupies in addition to all containers and receptacles on the said building and land;

“Registrar” has the same meaning as that given to it under the Act.

PART 2**REGISTRATION****3. Requirement for licence**

(1) The Board shall not issue a licence or permit in respect of a pesticide or toxic chemical unless the pesticide or toxic chemical is registered under this Part.

(2) No person shall import, export, manufacture, store, transport, label, sell, distribute or otherwise dispose of any pesticide or toxic chemical except in accordance with the Act or these Regulations.

DIVISION 1 –APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION

4. Application to Board

An application for registration, or renewal of registration of a pesticide or toxic chemical shall be in writing and be made to the Board by submitting it to the Registrar.

5. Form and Content of Application

(1) The application shall contain the information set out in Annex 1 to these Regulations and shall be accompanied by the fee indicated in Annex 5.

(2) The Board may dispense with—

- (a) any or all of the information, if the application is accompanied by proof of registration issued by a competent authority in a Commonwealth Caribbean country, and a copy of the conditions imposed on the sale or use in that country of the pesticide or toxic chemical;
- (b) any information relating to the efficacy and safety of the pesticide or toxic chemical, if the pesticide or toxic chemical is registered for the purpose of conducting research on the pesticide or toxic chemical itself;
- (c) any or all of the information, if such dispensation is necessary for the purposes of a national emergency.

6. Request for further information

(1) The Board may, by written notice, request an applicant to give the Board additional information within the period specified in the notice, to include: a sample of the pesticide or toxic chemical for analysis, its active ingredients, packages or recommended reagents—.

(2) If the applicant does not give the Board the additional information within the period specified in the notice, the application shall be deemed to have been withdrawn.

DIVISION 2 – DETERMINATION OF APPLICATION

7. Public consultation

(1) The Board may invite public comments on the efficacy of the pesticide or toxic chemical or its risk of harm to human and animal health and safety, plant health and the environment by notice in the *Gazette* and in other media.

(2) The notice shall specify the common name, active ingredients and intended use of the pesticide or toxic chemical.

(3) All comments shall be made in writing and addressed to the Registrar within the time specified in the notice.

(4) The Board shall consider all comments received from the public in determining the application.

8. Time for consideration of application

(1) The Board shall consider an application within one hundred and twenty days of its receipt by the Registrar.

(2) The Minister may on the application of the Board, in writing, extend the time for consideration of an application.

9. Requirements for registration

The Board may approve the registration, or renewal of the registration, of a pesticide or toxic chemical, if the Board considers that the use of the pesticide or toxic chemical for the intended purpose—

- (a) would not pose an undue threat of harm to human or animal health or safety, plant health or the environment; and
- (b) is not inconsistent with section 10 and schedules 2 and 3 of the Act and with the Regulations.

10. Approval

If the application is approved, the Board shall—

- (a) inform the applicant by Notice of Registration; and
- (b) direct the Registrar to register the pesticide or toxic chemical in the Register of Pesticides and Toxic Chemicals in accordance with regulations 13 and 14, or renew the registration in accordance with regulation 15, upon the payment by the applicant, of the fee indicated in Annex 5 .

1. Refusal

the application is not approved, the Board shall inform the applicant in writing.

2. Reasons for refusal

before the expiration of 30 days from the day on which the Board makes a decision to refuse an application for registration, the Board shall give written notice of its decision and the reasons for decision to the applicant.

DIVISION 3 - INSCRIPTION AND RENEWAL

13. Limitations on use of pesticide or toxic chemical

Subject to regulation 10 the Registrar shall register a pesticide or toxic chemical for a specific purpose in any one or more of the following areas—

- (a) agriculture;
- (b) industry;
- (c) medical;
- (d) pharmaceutical;
- (e) research;
- (f) education and training;
- (g) protection of public health and environment;
- (h) any other area specified by the Board.

14. Content of Register

The Registrar shall include in the Register of Pesticides and Toxic Chemicals

- (a) the information provided in accordance with regulations 5 and 6;
- (b) the specifications for each pesticide and toxic chemical;
- (c) the label for each pesticide and toxic chemical
- (d) the registration number;
- (e) the authorised purpose of the pesticide or toxic chemical;
- (f) the physical form in which the pesticide or toxic chemical may be imported or stored;
- (g) any other conditions imposed on use of the pesticide or toxic chemical;
- (h) the date that the registration expires; and

... information that the Board