

THE PESTICIDES AND
HAZARDOUS CHEMICALS
ACT
1994
REGULATIONS

PART A

PESTICIDES REGISTRATION

REGULATIONS

1994

APPENDIX 2

THE PESTICIDES (REGISTRATION) REGULATIONS, 1993

PESTICIDES (REGISTRATION) REGULATIONS 1993

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2. In these regulations, unless the context otherwise requires, the provisions of Section 2 of the Hazardous Chemicals and Pesticides Control and Management Act 1993 shall apply and without prejudice to the generality of the foregoing:

“Act” means the Hazardous Chemicals Pesticides Control and Management Act 1993.

“Regulations” means these regulations and any other regulations which may be made under the Act.

PART II – APPLICATION FOR THE REGISTRATION OF A PESTICIDE

3. –(1) An application for the registration of a pesticide shall be made by any person desiring to import, manufacture, sell or use any pesticide which is not registered in accordance with the provisions of the Act.

(2) The applicant shall be resident in and registered to do business in The Gambia.

(3) Where the applicant is not resident in The Gambia, the applicant shall designate a representative who is resident and registered to do business in The Gambia.

4. –(1) The application shall be submitted in the form attached to these regulations as Schedule 1.

(2) The form for application for pesticide regulation provided for in subregulation 1 of this regulation shall require the statement, at a minimum of the following particulars;

- (a) common name or generic name, if available its distinguishing name or trade name, its chemical name, and its structural formula and the name and concentration of every active ingredient of the pesticide,
- (b) name and concentration of every other ingredient of the pesticide
- (c) detailed toxicological information on every ingredient of the pesticide and the commercial product,
- (d) data on the chemical and physical properties of the active ingredients and of the commercial product,
- (e) data on the effects of each of the ingredients of the pesticide and of the commercial product on human health,

- (f) the effects of each of the active ingredients and the commercial product and their residues on crops, other living things and the environment in general,
 - (g) a statement as to whether the pesticide has been banned, restricted, withdrawn from the market or refused registration in any country and if so, the reason for such restriction, withdrawal, ban or refusal to register and a justification as to why the pesticide should be registered in the Gambia,
 - (h) a statement of the methods of analyzing the pesticide and of the authorities or sources on which such statement is based,
 - (i) the physical address of the place of business of the applicant.
- (3) The following shall be attached to an application under this section:
- (a) a sample of the pesticide for laboratory purposes,
 - (b) a sample of the proposed container
 - (c) a sample of the propose label
 - (d) a certificate of registration of the pesticide issued by the responsible authority in the country of origin,
 - (e) such samples, information, or tests relative to the efficacy and safety of the pesticide including reports on efficacy trials to be undertaken and financed by the applicant as may be required by the Board.
- (4) The Board may require the applicant to furnish any other particulars it deems necessary.
- (5) The application for registration shall be accompanied by such a fee as may be prescribed in Schedule 2 to the Act.

PART III - LABELS

5. The label in accordance with Section 18 of the Act and Regulation 4 of these Regulations shall contain at a minimum the following:

- (a) the identity of the product: its common name, chemical name, and trade name (the latter if any),
- (b) the name and address of the manufacturer of formulator and of the person on whose application the pesticide was registered,
- (c) net contents
- (d) registration or provisional clearance number,
- (e) date of manufacture or formulation,
- (f) date of test,
- (g) date of expiry,
- (h) normal storage stability and methods for safe storage,
- (i) name and percentage by weight of active ingredient and names and percentages by weight of other ingredients,
- (j) statement of what the pesticide is used for,
- (k) warning or caution statements which may include all, some, or either of following as appropriate:
 - (j) the words “warning” or “caution”,
 - (ii) the words “danger keep away from children”,
 - (iii) the word poison (marked indelibly in red on contrasting background),
 - (iv) a pictogram of skull and crossbones,
- (l) a statement of first aid measures including the antidote when inhaled or ingested and direction that a physician must be contacted immediately.
- (m) adequate directions for use should be included in accompanying leaflet including safety precaution in handling and using the product and measures for cleaning any equipment used,

- (n) in the case of restricted pesticides, a statement that the pesticide is for restricted use only and a further statement of those restricted use or uses, and the conditions that have to be complied with,
- (o) directions for the disposal of the container, the pesticide or the expired pesticide in accordance with the Act and the regulations,
- (p) any other information that the Board may deem necessary,

6. The label shall be written in characters that are easily legible,

7.-(1) The label shall contain no warranties, guarantees or liability exclusion clauses inconsistent with the provisions of the Act or the Regulations.

(2) Any such warranties, guarantees, and liability exclusion clauses shall be void to the extent of their inconsistency with the Act or the Regulations.

PART IV – CONSIDERATION THE APPLICATION

8.-(1) The Board shall publish a notice in the Gazette, stating the common name, trade name, the name of the active ingredients and the intended use of the pesticide for which an application for registration is made under these Regulations and invite comments from the public.

(2) All comments of the public whether objections to or in support of the application shall be taken into account by the Board in making a decision in accordance with Regulations 11, 12, 13, and 17 of these Regulations provided that the comment is received by the Board within 30 days of such notice.

9. The Board shall consider each application within 60 days of receiving all the particulars and the completion of the performance of all tests required by the Act, the Regulations, and the Board.

10. Subject to regulation 8, information submitted to the Board by the applicant shall not be released to any other person, except:

- (a) pursuant to an order of a court,
- (b) pursuant to the public interest as determined by the Minister on the advice of the Board.

PART 4 – REGISTRATION PROCEDURE

11. If the Board is satisfied, after considering all the information submitted in the application, all the submissions made by the public pursuant to regulation 8, and any other information available to the Board, that the pesticides if effective and is not likely to cause adverse effects to human health, animals, plants or the environment it may approve the regulation of the pesticide.

12.-(1) If the Board considers all the information submitted to it in the application, the submissions of the public in accordance with regulation 8, and any other information available to the Board, and forms the opinion that the pesticide is likely to cause adverse effects to human health, animals, plant or the environment unless the pesticide is handled or used subject to certain conditions, it shall register such a pesticide subject to certain conditions, it shall register such a pesticide subject to those conditions.

(2) A pesticide registered in accordance with the provisions of sub-regulation (1) of this regulation shall be a restricted pesticide in accordance with the provisions of the Act and shall be treated as such for all purposes.

13.-(1) If the Board is satisfied that a pesticide is not likely to cause adverse effects to human health, animals, plants or the environment in general when used in accordance with instructions on the label, but is of the opinion that further information is required before a registration granted, the Board may at its discretion grant a provisional clearance pending the submission of the necessary information.

(2) A provisional clearance in accordance with sub-regulation (1) of this regulation may also be granted where the pesticide is to be tested in field trials in The Gambia.

14.-(1) The Board in registering any pesticide may impose any conditions it deems necessary for the safe and effective handling and use of the pesticide and for the protection of human health, animals, plants or the environment.

(2) Without prejudice to the generality of sub-regulation (1) of this regulation, the Board may in particular impose conditions:

- (a) limiting the manner in which the pesticides are used, its target pests, and the plants or animals on which it may be used,
- (b) limiting the claims that may be made for the pesticide in the label or any advertisement,
- (c) limiting the use of the pesticide to trained personnel, or subject to the supervision of the Board,

- (d) requiring that the pesticide only be used with protective clothing and with specific approved equipment,
- (e) requiring the period review of the pesticide in accordance with emergent information,
- (f) any other condition the Board shall deem necessary

15.-(1) Where the Board approves the registration of a pesticide in accordance with Regulations 11 and 12, the Registrar shall:

- (a) assign the pesticide a registration number,
- (b) sign and issue a certificate of registration in the form set out in Schedule 2 of these Regulations,
- (c) where the pesticide is registered as a restricted, the certificate shall state that the pesticide is restricted and state the restrictions imposed.
- (d) Include the pesticide in the register of pesticides.

(2) The certificate of registration issued under this regulation shall be conclusive evidence of the registration of a pesticide.

(3) The certificate of registration shall be kept at the place of business of the person on whose application the pesticide is registered and may be inspected by the Board or an Inspector at all reasonable times.

(4) The person on whose application a pesticide is registered shall provide notarized copies of the certificate of registration of the pesticide to all his duly appointed agents which may be kept and inspected as provided for in Sub-Regulation of 3 this regulation

16.-(1) Where the Board grants a provisional clearance in accordance with regulation 13 the Registrar shall:

- (a) assign a provisional clearance number
- (b) sign and issue a certificate of provisional clearance in the form set out in Schedule 3 of these Regulations stating, where applicable, any conditions or restrictions attached to such provisional clearance,
- (c) include the pesticide in the register of pesticides.

(2) The certificate of provisional clearance issued under this regulation shall be conclusive evidence that a pesticide is provisionally cleared.

(3) The certificate of provisional clearance shall be kept at the place of business of the person on who application the provisional clearance is granted and may be inspected by the Board or an inspector at all reasonable times.

(4) The person on whose application the provisional clearance is granted shall provide notarized copies of the provisional clearance certificate to all duly appointed agents which may be kept and inspected as provided for in Sub-Regulation 3 of this regulation.

PART V – REJECTION OF AN APPLICATION FOR REGISTRATION

17.-(1) The Board may reject an application for the registration of pesticide in accordance with Section 12 of the Act.

(2) Without prejudice to the generality of the foregoing power and in particular the Board may reject an application if:

- (a) the application is not complete in accordance with the requirements of regulation 3,
- (b) the application contain information which is misleading, erroneous, deceptive or likely to deceive,
- (c) the pesticide causes adverse effects to human health, animals, plants or the environment in general even when handled and use according to the given instructions.
- (d) the pesticide is already registered under this Act,
- (e) the container, and the label do not meet the requirements of the Act and the Regulations,
- (f) the applicant for registration is not suitable or capable of carrying out the obligations imposed by the Act and the Regulations,
- (g) the pesticide is not effective for the purpose stated in the application

18. Where the Board rejects an application for registration of a pesticide, it shall state in writing its reasons for so doing to the applicant.

19. Where an application for registration of a pesticide has been rejected by the Board, the Registrar shall make an entry onto the register on the list of banned pesticides stating the identity of the pesticide, the reasons for rejecting the application, and any other particulars the Board may specify.

PART IV – RENEWAL OF REGISTRATION OF PESTICIDES

20.-(1) A person desiring to renew the registrations of a pesticide shall make an application to the Board in the form attached to these Regulations as Schedule 4 and shall include:

- (a) reports on any new tests concerning safety and efficacy of the pesticide in local or similar conditions, and new findings on the toxicity of the product.
- (b) Information on any changes in the pesticide's formulation and the toxicity, efficacy and chemical stability of those changes,
- (c) information on observed residue levels in animals, plants and the environment and its effect on human health,
- (d) whether the pesticide has been banned or severely restricted in any country or whether such an existing ban or severe restriction has been removed or modified,
- (e) a copy of the current certificate of registration which shall be attached

(2) The application shall be made six months before the expiry of the current Registration.

(3) The applicant for renewal may request the Board to amend an existing registration by modifying certain conditions on the basis of information supplied in sub-regulation 1 of this regulation.

21.-(1) Where the Board is satisfied that the registration of the pesticide should be renewed, it shall renew the registration and proceed as provided for in regulations 11, 12, 14, and 15 of these Regulations.

(2) The Board shall reject an application for renewal if:

- (a) the pesticide had originally been registered on the basis of misleading, erroneous or deceptive information,

- (b) the pesticide cause adverse effects to human health, animals, plants or the environment when handled and used according to instructions,
- (c) the container has proved unsuitable for the storage and handling of the pesticide,
- (d) the label does not meet the requirements of the Act and the Regulations,
- (e) the applicant for renewal has failed to carry out the obligation imposed by the Act and the Regulations,
- (f) the pesticide is no longer effective for the purpose for which it was registered.

(3) The Board shall, before making a decision under this regulation, give an opportunity to the person on whose application the pesticide is registered to make both written and oral representations before it.

(4) The Board shall state the reasons for its refusal to renew the registration of a pesticide in writing to the applicant.

(5) The Registrar shall amend the register of pesticides in accordance with the decision of the Board taken pursuant to this regulation.

PART VII – RESTRICTION, BANNING, AND CANCELLATION

22.-(1) Before making a decision to restrict the use and handling of a pesticide or to ban a pesticide in accordance with Section 15 of the Act, the Board shall:

- (a) be satisfied that there is evidence that the pesticide causes or is likely to cause adverse effects to human health, animals, plants or the environment,
- (b) require the person on whose application the pesticide is registered to show cause in writing 30 days why restrictions or a ban should not be imposed against the pesticide,
- (c) publish in the Gazette the intention to impose a ban on or restrict the use and handling of the pesticide and invite public comments to be submitted within 30 days of such a notices.

(2) Act its meeting to consider the restriction or banning of a pesticide under Section 15 of the Act, the Board shall:

- (a) consider the information provided in writing by the person on whose application the pesticide is registered,
- (b) consider the public comments,
- (c) consider any other information available to the Board including the submission of experts in the field of pesticides management where the Board deems it necessary,
- (d) invite the person on whose application the pesticide is registered to attend at the meeting and make oral submissions in person or through a representative.

(3) The Registrar shall amend the register of pesticides in accordance with the decision of the Board taken pursuant to this Regulation.

23.-(1) Where the Board desires to cancel the registration of a pesticide in accordance with section 16 of the Act, it shall:

- (a) except for the provisions of section 16 (2) b and 16 (2) (e) of the Act, require the person on whose application the pesticide was registered to show cause in writing within thirty days why the registration should not be cancelled. ,
- (b) publish in the Gazette the intention to cancel the registration and invite public comments within thirty days of such notice.

(2) At its meeting, to consider the cancellation of the pesticide, the Board shall:

- (a) consider the written submissions of the person on whose application the pesticide was registered, and the comments of the public and any information available to the Board,
- (b) invite the person on whose application the pesticide was registered to make representations in person or through a representative and consider those representations.

(3) The Board shall state its reasons for canceling the registration of a pesticide to the person on whose application the pesticide is registered.

(4) The Registrar shall amend the register of pesticides in accordance with the decision taken by the Board pursuant to this Regulation.

24.-(1) Any person having in possession a pesticide which is banned or whose registration is otherwise cancelled by the Board under the provisions of the Act shall within twenty-one days of such ban or cancellation notify the Board of the location in which the pesticide is stored and the quantity stored.

- (2) The Board shall determine the most environmentally sound manner for disposing of such a pesticide including making an order that the importer, manufacturer or distributor shall bear the costs of disposal.

MANUFACTURE, IMPORT AND USE OF UNREGISTERED PESTICIDES

25.-(1) An application for an authorization to import, manufacture or use an unregistered pesticide in accordance with Section 13 of the Act shall be made in writing to the Board and shall disclose the following:

- (a) the application institution, the physical address of the applicant, the status of the applicant whether a public or private, educational or research institution
- (b) all the information required to be submitted under regulation 4 (2) and 4 (3) of these Regulations,
- (c) a description of and justification for the scientific research to be carried out,
- (d) a statement of the expected outcomes of the research and their benefit to society,
- (e) the names and qualification of the person or persons who shall supervise the research and direct the handling and use of the pesticide,
- (f) the special precautionary measures taken to ensure that the pesticide is not likely to cause adverse effects to human health, animals plants or the environment,
- (g) an undertaking that plants and animals on which pesticide is applied shall not be made available as food in any circumstances whatsoever,

(2) An application in accordance with sub-regulation 1 of this regulation shall be considered by the board within six months of the date when all the particulars of the application are received by the Board.

26. The Board shall, after considering the information provided by the applicant and any other information available to the Board including expert opinion, grant in its own discretion, an authorization in writing in the form set out in stage 5 to these Regulations, to import, manufacture or use an unregistered pesticide in The Gambia by the applicant provided that it is satisfied that the pesticide shall be managed in such a manner that it is not likely to cause any adverse effects to human health, animals, plants or the environment.

SCHEDULE 1

PESTICIDES (REGISTRATION) REGULATION 1993

APPLICATION FOR REGISTRATION OF A PESTICIDE

INSTRUCTIONS:

- a. To be completed in quadruplicate
- b. Type or use block letters
- c. An application of fee of _____ Dalasis shall be paid
- d. Attach separate sheets of paper where necessary

To: The Hazardous Chemicals and Pesticides Control and Management Board

THE APPLICANT

1. Name and (postal and physical) address of applicant

2. Name and (postal and physical) address of the applicant's resident representative in the Gambia (if applicant is not resident)

3. Name and postal and physical) address of the manufacturer of the pesticide

IDENTITY OF THE PESTICIDE

1. Trade name of the pesticide

2. Common name

3. Structural formula

4. Chemical name

5. Empirical formula and molecular weight

6. Manufacturers development code number (s)

7. For use against (describe the hosts and pests)

ACTIVE INGREDIENTS

For each of the active ingredients: (attach additional sheets if necessary).

1. Common name

2. Chemicals name

3. Structural formula

4. Concentration (as percentage per g/kg or g/l)

a. Physical state _____

b. Colour _____

c. Odour _____

d. Melting point _____

e. Decomposition point _____

f. Boiling point _____

g. Vapour pressure
(figure to be given at a stated temperature
preferably in the range of 20-25C) _____

h. Density (for Liquids only) _____

- i. Hydrolysis rate (under stated relevant conditions)

- j. Photolysis _____

- k. Absorption spectra (e.g ultra violet, infrared,
visible etc) _____

- l. Any other relevant properties _____

FOR EVERY OTHER INGREDIENT OF THE PESTICIDE

(Attach separate sheets if necessary)

1. Name

2. Source (manufacturers name and address)

4. Physical state

5. Odour

6. Concentration (as a percentage of the pesticide g/kg, g/l/ etc)

7. Storage stability

V. THE FORMULATED PRODUCT

1. Colour

2. Odour

3. Melting point

4. Decomposition point

The Pesticides (Registration) Regulations, 1994

5. Boiling point

6. Vapour pressure

7. Density (for liquids)

8. Hydrolysis rate (under stated relevant conditions)

9. Photolysis

10. Absorption spectra

11. Content of active ingredients and percentage

12. Water content

13. Storage stability (in relation to use)

14. Flammability
 - a. Liquids (flash point) _____
 - b. Solids _____
15. Acidity

16. Alkalinity

The Pesticides (Registration) Regulations, 1994

- 17. Wettability (for dispersible powders)

- 18. Persistent foam (formulation applied)

- 20. Suspensibility for dispersible powders and suspending concentrates
- 20. Wet sieve test for dispersible powders and suspensible concentrates

- 21. Dry sieve test for granules and dusts

- 22. Emulsion stability (for emulsifiable concentrates)

- 23. Corrosiveness (when necessary)

- 24. Known incompatibilities with other products (e.g. pesticides, fertilizers)

- VI. TOXICOLOGICAL INFORMATION (to be completed for both the formulate product and active Ingredient)

- 1. Acute oral toxicity

- 2. Acute percentaneous toxicity

- 3. Acute inhalation

The Pesticides (Registration) Regulations, 1994

4. Acute other routes (e.g intraperitoneal)

5. Skin irritation:

6. Eye irritation

7. Short term oral administration

8. Toxic effects of metabolites breakdown products or impurities

9. Metabolic studies

10. Long term toxicity including carcinogenicity

11. Newotoxicity

The Pesticides (Registration) Regulations, 1994

12. Reproduction Studies

13. Embryotoxicity (including teratogenicity)

14. Mutagenicity

15. Potentiation

16. Direct observations

17. Treatment of poisoning

18. First aid measures

19. Supplementary treatment

20. Any other information on toxicity

VII. RESIDUES

1. Primary physical, chemical and biological data

2. Method of identifying residues

The Pesticides (Registration) Regulations, 1994

3. Reliable residue data from supervised trials (in a tropical climate)

4. Estimation of maximum residue level at harvest

5. Dates on further disappearance on transport, storage etc.

6. Estimation of residue level in commodity on sale

7. Date on disappearance of food preparation cooking or processing

8. Prediction of potential consumer intake (attaching actual intake studies to this application)

9. Assessment of actual consumer intake

VIII. ENVIRONMENTAL IMPACT PREDICTION AND MINIMIZATION

1. Method of application of pesticide

2. Time of application

3. Rate of application (Litres per acre)

4. Frequency of application

5. Suitable climate and geographical conditions

6. Viability of the pesticide

7. Solubility in water

8. Absorption

9. Desorption

10. Degradation

11. Persistence

12. Effects on birds

13. Effects on fish

14. Effects on fish-food species

15. Effects on honey-bees

16. Degradation of the pesticide in soil

17. Possibility of accumulation with stable lipophilic compounds

18. Effect on water quality

19. Effect on soil organisms

20. Effect on crops other than the target crop

21. Any other effects on any living things in general

IX. METHODS OF ENVIRONMENTALLY SOUND DISPOSAL OF THE PESTICIDE AND PESTICIDE CONTAINER

X. COUNTRIES WHERE THE PESTICIDE HAS BEEN BANNED OR RESTRICTED OR REFUSED REGISTRATION

COUNTRY

CONTROL MEASURE TAKE

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The Pesticides (Registration) Regulations, 1994

Justification in case of the above registration in The Gambia

XI. ATTACHMENTS: In addition to the requirements of Regulation (3), of the Pesticide (Registration) Regulations, the following are attached to this application:

1. Letter of appointment of resident representative (where applicable)
2. Report on efficacy and other claims made for the pesticides.
3. Methods of analysis of the pesticide, its ingredients, and its residues and the authorities on which such a statement is based.

XII. HOW HAS THE APPLICANT GENERATED THE ABOVE INFORMATION?

I hereby certify that the information provided above is true and correct in all particulars

Date _____

Signature _____

Name _____

Title _____

FOR OFFICIAL USE ONLY

1. DATE OF RECEIPT OF APPLICATION _____
2. DATE OF BOARD MEETING _____
3. DECISION BY THE BOARD
REGISTRATION () REGISTRATION
NUMBER _____

REQUEST FOR FURTHER INFORMATION ()

OTHER REQUEST (pertaining to label, container, manner of Advertisement ()

If so specify

REJECTION OF APPLICATION ()

ADJOURNED TO NEXT BOARD MEETING ()

4. IN CASE OF REGISTRATION AND PROVISIONAL CLERANCE
CONDITIONS OF REGISTRATION

5. IN CASE OF REFUSAL TO REGISTER, REASONS GIVEN BY THE BOARD

SCHEDULE 2
HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

PESTICIDE (REGISTRATION) REGULATIONS

CERTIFICATE OF REGISTRATION OF A PESTICIDE

The Hazardous Chemicals and Pesticides Control and Management Board, in its capacity as the registering authority under the Hazardous Chemicals and pesticides Control and Management Act and its Regulations, has on the application of:

Name

Address

approved the Registration of the following pesticide and entered it time the Register of Pesticides with the following number _____

Trade name

Common name

Chemical name

Physical form

Colour

The Pesticides (Registration) Regulations, 1994

Names of active ingredients and percentages of each

The Pesticides (Registration) Regulations, 1994

Manufacturer's name postal address and location

Conditions of handling use

Target pests and hosts

OTHER CONDITIONS OF REGISTRATION

This licence will be valid for five years from the date of registration.

Granted _____
(date)

Signed _____

Registrar, Hazardous Chemicals
And Pesticides Control and
Management Board

FEE: _____

SCHEDULE 3
HAZARDOUS CHEMICALS AND PESTICIDES
PESTICIDES (REGISTRATION) REGULATIONS

CERTIFICATE OF PROVISIONAL CLEARANCE OF A PESTICIDE

The Hazardous Chemicals and Pesticides Control and Management Board, in its capacity as the registering authority under the Hazardous Chemicals and pesticides Control and Management Act and its Regulations, has on the application of:

Name

Address

Approved the provisional clearance of the following pesticide and entered it on the Register of pesticides with the following Number _____

Trade name

Common name

Chemical name

Physical form

Colour

The Pesticides (Registration) Regulations, 1994

Names of active ingredients and percentage of each

Manufacturers name, postal address and location

Conditions of handling and use

Target pests and hosts

Other conditions of provisional clearance

The Pesticides (Registration) Regulations, 1994

This certificate will be valid for three years from the date of Provisional Clearance.

Ganted _____
(date)

Signed _____

Registrar, Hazardous Chemicals
And Pesticides Control and
Management Board

FEE: _____

SCHEDULE 4

APPLICATION FOR RENEWAL OF REGISTRATION OF A PESTICIDE

INSTRUCTIONS

- a. To be completed in quadruplicate
- b. Type or use block letters
- c. An application fee of _____ Dalasis shall be paid

To: The Hazardous Chemicals and Pesticides Control and Management Board.

THE APPLICANT

- 1. Name and address of applicant

- 2. Name and address of applicant's resident representative the Gambia (if the applicant is not resident)

- 3. Name and address (postal and physical) of the manufacturer of the pesticide

The Pesticides (Registration) Regulations, 1994

THE PESTICIDE

REGISTRATION NUMBER

Trade name

Common name

Chemical name

What particulars of the current registration of the pesticide does the applicant want reconsidered by the Board?

Has the pesticide been banned, restricted or denied registration in any country since its registration in the Gambia? If so give the reasons why?

The Pesticides (Registration) Regulations, 1994

Attachments: The following reports are attached to this application.

1. Reports on efficacy and safety of the pesticide in the Gambia (Appendix I).
2. Reports on any new applications of the pesticide and application patterns thereof
3. Reports on new findings on the toxicity, stability and efficacy of the pesticide (Appendix III).
4. Reports on new findings on possible environmental impacts of the pesticide (Appendix IV).
5. Certified copy of the current registration certificate (Appendix V).
6. Any other information to support any changes sought in the registration particulars (where applicable) Appendix VII.

I certify that all information given above is complete and correct.

Date _____

Signature of Application or
Authorised Representative

FOR OFFICIAL USE

1. DATE OF RECEIPT OF APPLICATION

2. DATE OF BOARD MEETING

3. DECISION BY THE BOARD

RENEWAL OF REGISTRATION ()

REFUSAL TO RENEW REGISTRATION ()

OTHER REQUEST (SPECIFY)

ADJOURNED TO NEXT BOARD MEETING ()

The Pesticides (Registration) Regulations, 1994

ANY CHANGE IN THE CONDITIONS OF REGISTRATION

IN CASE OF REFUSAL TO RENEW, REASONS GIVEN BY THE BOARD

The Pesticides (Registration) Regulations, 1994

SCHEDULE 5
HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

PESTICIDES (REGISTRATION) REGULATIONS

AUTHORIZATION TO MANUFACTURE IMPORT OR USE AN UNREGISTERED
PESTICIDE FOR SCIENTIFIC AND EDUCATIONAL PURPOSES

The Hazardous Chemicals and Pesticides Control and management Board, in its capacity as the registering authority, hereby authorized under Section 13 of the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations:

Name

Address

to manufacture/import/or use _____ (quantity of the following unregistered pesticide).

Trade Name

Common Name

Manufacturer's (Name and Address)

to be used only for Scientific and Educational purposes
at _____ (Location).

The Pesticides (Registration) Regulations, 1994

Other conditions of authorization

Granted _____
(date)

Signed _____
Registrar, Hazardous Chemicals
and Pesticides Control and
Management Board

FEE: _____

Authorization Number _____

PART B

DRAFT

PESTICIDES LICENSING

REGULATIONS

1993

PESTICIDES (LICENSING) REGULATIONS 1993

1. These Regulations may be cited as the Pesticides (Licensing) Regulations 1993

PESTICIDES (LICENSING) REGULATIONS 1993

PART I – PRELIMINARY

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2. Interpretation

PART II - GENERAL PROVISIONS

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4. Registration of Pesticides
5. Fees
6. Cancellation, Suspension of Licence and Change of Conditions
7. Representation at Board Proceedings
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10. Application for a Licence to Retail, wholesale, or Warehouse Pesticides and Transport Restricted Pesticides
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26. Application for a Commercial Applicator's Licence
27. Consideration of the Application by the Board
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29. Requirement of a Private User's Licence
30. Application for a Private User's Licence
31. Consideration of the Application
32. Duration of the Private Users Licence

2. In these Regulations unless the context otherwise requires, the provisions of Section 2 of the Hazardous Chemicals and pesticides Control and Management Act 1993 shall apply and without prejudice to the generality of the foregoing:

“Act” means the Hazardous Chemicals and Pesticides Control and Management Act 1993.

“Board” includes delegate of the Board.

“Commercial applicator” means any person who carries out the business of applying pesticides.

“Export” means to bring pesticides into The Gambia from any other country for any purpose.

“Import” means to bring pesticides into The Gambia from any other country.

“Private user” means any person who uses a pesticide for his own private purposes and does not operate a business as a commercial applicator.

“Regulations” means these Regulations and any other Regulations which may be made under the Act.

“Retailer” means a person who sells pesticides to another person for his own use.

“Transporter” means a person who is engaged in the business of transporting pesticides.

“Warehouse” means keeping in stock pesticides as a business.

“Wholesaler” means a person who distributes or sells pesticides to retailers.

PART II – GENERAL PROVISIONS

3. (1) An applicant for any licence provided for under these Regulations shall be resident in The Gambia

(2) Where the applicant is not resident in The Gambia, the applicant shall designate a representative who is resident in The Gambia.

4. Every application for a licence under these Regulations shall relate to a pesticide which is registered under the Act and its Regulations

5. Such fees as have been prescribed in Schedule 2 of the Act shall be paid for

- (a) any application for a licence,
- (b) any licence granted,

under these Regulations.

6. (1) The Board may cancel or suspend a licence issued under these Regulations and shall give reasons for such cancellation or suspension.

(2) The Board may change the special conditions of any licence granted under these Regulations and shall give reasons for such change.

7. (1) An application for a licence under these Regulations shall have an opportunity to be heard at any proceedings of the Board where the application is considered.

(2) Where the Board intends to cancel or suspend a licence or change the special conditions of a licence, the holder shall be given an opportunity to be heard.

(3) The applicant may appear in person or through a representative at such proceedings.

8. The Board may delegate its duties under these Regulations to license:

- (a) retailing,
- (b) wholesaling,
- (c) transporting,
- (d) warehousing,
- (e) private use of restricted pesticides

provided that such a delegate shall not in turn delegate his powers

PART III – RETAILING, WHOLESALING, TRANSPORTING
AND WAREHOUSING PESTICIDES

9. (1) No person shall retail, wholesale, or warehouse any pesticides or transport any restricted pesticides without a licence issued by the Board under these Regulations.

(2) A licence for retailing pesticides registered for general use shall be in Form A set out in Schedule 2 to these Regulations.

(3) A licence for retailing pesticides registered for restricted use shall be in Form B set out in Schedule 2 to these Regulations.

(4) A licence for wholesaling pesticides shall be in Form C set out in Schedule 2 to these Regulations

(5) A licence for transporting restricted pesticides shall be in Form D set out in Schedule 2 to these Regulations.

(6) A licence for warehousing pesticides shall be in Form E set out in Schedule 2 of these Regulations.

10.(1) Every person desiring to retail, wholesale, or warehouse pesticides or transport restricted pesticides shall apply to the Board for a licence.

(2) The application shall be made in Form I set out in Schedule 1 to these Regulations.

(3) The applicant shall specify in the application whether he intends to:

- (a) retail pesticides registered for general purposes
- (b) retail pesticides registered for restricted use
- (c) wholesale pesticides
- (d) transport restricted pesticides
- (e) warehouse pesticides

11. (1) The Board shall consider any application for a licence under Regulation 10 within thirty (30) days of receipt of the application.

- (2) The Board shall in considering the application satisfy itself that:
- (a) the applicant has sufficient training and understanding of the nature of pesticides and of the risks involved in their handling and use
 - (b) the applicant has ability to transmit his knowledge of the risks involved to pesticide users.
 - (c) The applicant has suitable premises and in the case of transporters suitable vehicles and vessels which are properly marked.
 - (d) The applicant has suitable protective measures at the premises and clothing for the handling of pesticides.
 - (e) The applicant has capacity to fulfil such other requirements as may be determined by the Board.

(3). The Board may make any or all of the considerations in sub-Regulations (2) of this Regulation conditions of any licence granted under Regulation 9 of these Regulations.

12. (1) The licence issued under Regulation 9 shall be valid for a period of one year.

(2) The licence may be renewed upon an application by the holder to the Board in Form III set out in Schedule 1 to these Regulations and in accordance with Regulation 11 of these Regulations.

PART IV – LICENSING OF IMPORTERS

13. (1) No person shall import a pesticide into The Gambia without a licence issued by the Board under these Regulations.

(2) A licence issued under this Regulation shall be in Form F set out in Schedule 2 to these Regulations.

14. (1) Any person desiring to import pesticides into The Gambia shall apply to the Board for a licence.

(2) The application shall be made in Form IV set out in Schedule 1 to these Regulations.

15. (1) The Board shall consider each application for a licence to import a pesticide within sixty (60) days of receipt of the application.

(2) In considering the application, the Board shall satisfy itself that:

- (a) the applicant is aware of the toxicity of the pesticide and the risk involved in its use and handling
- (b) the applicant is capable of handling the risks arising from the importation of such a pesticide indicated by the possession of an adequate insurance coverage or similar guarantee.
- (c) the applicant has plans and means to dispose of any surplus pesticides and containers in an environmentally sound manner, as determined by the Board.
- (d) the applicant shall distribute the pesticide to only those wholesalers and retailers appropriately licensed under this Act.
- (e) the applicant shall comply with such other measures as may be determined by the Board.
- (f) the requirements for the Prior Informed Consent procedure set out in the Act and any Regulations have been fulfilled.

(3) The Board may make any or all of the considerations in sub-Regulation of this Regulation conditions for the granting of a licence to import a pesticide.

16. (1) A licence to import a pesticide shall be valid for such consignments and for such a period as may be determined by the Board.

PART V – LICENSING OF EXPORTERS OF PESTICIDES

17. (1) No person shall export a pesticide from The Gambia without a licence issued by the Board under these Regulations

(2) A licence issued under this Regulation shall be in Form G set out in Schedule 2 to these Regulations.

18. (1) A person desiring to export a pesticide from The Gambia shall apply to the Board for a licence.

(2) The application shall be made in Form 1 set out in Schedule 1 of the Regulations.

19. (1) The Board shall consider each application to export pesticides within sixty days of receipt of the application.

(2) The Board shall in considering the application satisfy itself that:

- (a) the requirements for the Prior Informed Consent procedure set out in the Act and any Regulations where appropriate have been fulfilled
- (b) the application meets such other requirement that may be determined by the Board.

(3) The Board may make any or all of the considerations in sub-Regulation (2) of this Regulation conditions for the granting of a licence to export a pesticide

20. (1) A licence to export a pesticide shall relate to such a consignment of pesticides and be for such a period as may be determined by the Board.

21. (1) No person shall manufacture or formulate any pesticide without a licence issued by the Board under these Regulations.

(2) A licence issued under this Regulation shall be in Form H set out in Schedule 2 to these Regulations.

22. (1) A person manufacturing or formulating or desiring to manufacture or formulate a pesticide in The Gambia shall apply to the Board for a licence to manufacture or formulate a pesticide.

(2) The application shall be made in Form II set out in Schedule 1 to these Regulations.

23. (1) The Board shall consider each application for a manufacturer's licence within 90 days of receipt of the application.

(2) The Board shall in considering the application satisfy itself that:

- (a) the pesticide to which the application relates is registered under the Act.

- (b) the applicant has human resources with the technical competence to manufacture or formulate the pesticide.
- (c) The applicant has conducted an adequate environmental impact assessment of the proposed manufacturing or formulation plant.
- (d) Where the plant is in existence, that the applicant has adequate plans and capability to protect the health of workers and the environment and that the applicant has complied with existing environmental Regulations and standards.
- (e) The applicant complies with such other measures which the Board deem necessary for the environmentally sound operation of the plant.

(3) The Board may make any or all of the considerations in sub-Regulation (2) of this Regulation conditions for granting a manufacturer's licence.

24. (1) A manufacturer's licence shall be valid for two years.

(2) A manufacturer's licence may be renewed upon an application by the holder to the Board in Form III in Schedule 1 to these Regulations and in accordance with Regulation 23 of these Regulations.

(3) In renewing the licence, the Board shall satisfy itself that the conditions set out in sub-Regulation (2) (a), (b), (d) and (e) of Regulation 23 of these Regulations continue to be satisfied.

PART VII – LICENSING OF COMMERCIAL APPLICATORS

25. (1) No person shall carry on the business of a commercial applicator of pesticides without a licence issued by the Board under these Regulations.

(2) A licence issued under this Regulations shall be in Form J set out in Schedule 2 of these Regulations

26. (1) Every person desiring to carry out the business of a commercial applicator of pesticides shall apply to the Board for a licence.

(2) The application shall be made in Form I set out in Schedule 1 to these Regulations.

27. (1) The Board shall consider each application for a commercial applicator's licence within 60 days of receipt of application.

(2) The Board shall in considering the application satisfy itself that:

- (a) the applicant has sufficient training to handle the application of pesticides on a large scale
- (b) the applicant has suitable equipment which is in a good state of repair.
- (c) The applicant has trained employees in the safe use of pesticides.
- (d) The applicant has suitable emergency plans and responses.
- (e) The applicant has protective clothing to be used by employees in the application of pesticides.
- (f) The applicant shall satisfy such other requirement as may be determined by the Board.

(3) The Board may make any or all of the considerations in sub-Regulation (2) of this Regulation conditions to the granting of a commercial applicators licence.

28. (1) A commercial applicators licence shall be valid for one year.

(2) A commercial applicators licence may be renewed upon application by the holder to the Board in Form III set out in Schedule I to these Regulations and in accordance with Regulation 27 of these Regulations.

PART VIII – LICENSING OF PRIVATE USERS OF RESTRICTED PESTICIDES

29. (1) No person shall use any restricted pesticide without a licence issued by the Board under these Regulations.

(2) A licence issued under this Regulation shall be in Form K set out in Schedule 2 of the Regulations.

30. (1) Every person desiring to use a restricted pesticide and who is not a commercial applicator of pesticides shall apply to the Board for a licence.

(2) The application shall be made in Form I set out in Schedule 1 to these Regulations.

31. (1) The Board shall consider any application for a private user's licence within thirty (30) days of receipt of the application.

(2) The Board shall in considering the application satisfy itself that:

- (a) the applicant understands the risks involved in using the pesticide and is capable of using the pesticide in an environmentally sound manner.
- (b) the method which the applicant proposes to use in applying the pesticide meets the Board's approval.
- (c) The applicant has suitable equipment for applying the pesticide.
- (d) The applicant has suitable protective clothing for handling pesticides.
- (e) The applicant shall satisfy any other requirement as may be determined by the.

(3) The Board may make any or all of the considerations in sub-Regulation (2) of this Regulation conditions for granting a private user's licence.

32. A private user's licence shall be valid for such a period as the Board may determine

SCHEDULE 1
FORM I

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

PESTICIDES (LICENSING) REGULATIONS

Instructions:

- a. To be completed in quadruplicate
- b. Type or use block letter
- c. An application fee of _____ Dalasis shall be paid

To The Hazardous Chemicals and Pesticides Control Management Board

APPLICATION FOR A LICENCE

Name of applicant

Address

Application for a licence for

- Retail of (unrestricted) pesticides
- Retail of restricted pesticides
- Wholesale of pesticides
- Transportation of restricted pesticides
- Warehousing of pesticides
- Commercial application of pesticides
- Private use of restricted pesticides.

Location of business

Names and qualifications of Applicant

The Pesticides (licensing) Regulations, 1994

Pesticide (s) applied for

Precautions and safety measures for handling pesticides

I Certify that the information provide is complete and correct.

Date: _____

Signature of applicant

Title:

FOR OFFICIAL USE

Date of receipt of application

Date of inspection of premises _____
(a separate inspection report is required).

Approved ()

Licence Number _____

Rejected ()

Further information required ()

Date of meeting _____

SCHEDULE 1
FORM II

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

PESTICIDES (LICENSING) REGULATIONS

Instructions:

- a. To be completed in quadruplicate
- b. Type or use block letter
- c. An application fee of _____ Dalasis shall be paid

To the Hazardous Chemicals and Pesticides Control and Management Board.

APPLICATION FOR A PESTICIDE MANUFACTURER'S LICENCE

Name of applicant

Address

Location of premises

Name of supervising chemist

Qualification and experience of the supervising chemist (attach a curriculum vitae)

Other key officers

Name	Qualification	Title
------	---------------	-------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Pesticide to be manufactured:

Trade name

Common name

Registration number

Sources of raw materials

Attachments:

- (1) Description of manufacturing equipment. (appendix I).
- (2) Description of manufacturing process (appendix II).
- (3) An environmental impact assessment of the proposed manufacturing or formulation plant. (appendix III).
- (4) Curriculum vitae of key officers in the production process (appendix IV).

I certify that the information provided is complete and correct

Date:

.....
Signature of applicant
and title

SCHEDULE 1
FORM III

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

PESTICIDES (LICENSING) REGULATIONS

Instructions:

- a. To be completed in quadruplicate
- b. Type or use block letter
- c. An application fee of _____ Dalasis shall be paid

To The Hazardous Chemicals and Pesticides Control Management Board.

APPLICATION FOR RENEWAL OF A LICENCE

Name of applicant

Address

Application for renewal of a licence for

- Retail of (unrestricted) pesticides
- Retail of restricted pesticides
- Wholesale of pesticides
- Transportation of restricted pesticides
- Warehousing of pesticides
- Commercial application of pesticides
- Manufacturing of pesticides.

Location of business

Current licence number

Pesticide (s) applied for

Does the applicant seek any changes in the conditions of the current licence?

I certify that the information provided is complete and correct.

Date: _____

Signature of applicant

Title: _____

FOR OFFICIAL USE

Date of receipt of application _____

Date of inspection of premises _____
(a separate inspection report is required).

Approved ()

Licence number _____

Rejected ()

Further information required ()

Date of meeting _____

SCHEDULE 1
FORM IV

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

PESTICIDES (LICENSING) REGULATIONS

Instructions:

- d. To be completed in quadruplicate
- e. Type or use block letter
- f. An application fee of _____ Dalasis shall be paid

To The Hazardous Chemicals and Pesticides Control Management Board.

APPLICATION FOR A LICENCE TO IMPORT A PESTICIDE

Name of applicant

Address

Qualifications (professional and educational) applicant

Name and qualifications of the person (s) who shall be in charge of the business

Location of business

Pesticide applied for under this licence

State whether the pesticide has been banned or is severely restricted in any country?

Precautions and safety measures for the handling of the pesticide

I certify that the information provide is complete and correct.

Date: _____

Signature of applicant

Title: _____

FOR OFFICIAL USE

Date of receipt of application _____

Date of inspection of premises _____
(a separate inspection report is required).

Approved ()

Licence number _____

Rejected ()

Further information required ()

Registration number _____

SCHEDULE 1
FORM V

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

PESTICIDES (LICENSING) REGULATIONS

Instructions:

- g. To be completed in quadruplicate
- h. Type or use block letter
- i. An application fee of _____ Dalasis shall be paid

APPLICATION FOR A LICENCE TO IMPORT A PESTICIDE

Name of applicant

Address

Qualifications (professional and educational) applicant

Name and qualifications of the person (s) who shall be in charge of the business

Location of business

Pesticide applied for under this licence

Registration number of the pesticide

State whether the pesticide is been banned or is severely restricted The Gambia.

Have the Prior Informed Consent procedures been satisfied?

Precautions and safety measures for the handling of the pesticide

I certify that the information provide is complete and correct.

Date: _____

Signature of applicant

Title: _____

FOR OFFICIAL USE

Date of receipt of application _____

Date of inspection of premises _____

(a separate inspection report is required).

Approved ()

Licence number _____

Rejected ()

Further information required ()

Date: _____

SCHEDULE 2
FORM A

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

(PESTICIDES LICENSING REGULATIONS)

LICENCE TO RETAIL RESTRICTED PESTICIDES FOR GENERAL USE

The Chemicals and Pesticides Control and Management Board in its capacity as Licensing Authority under the Hazardous Chemicals and Pesticides Control and Management Act, hereby licenses:

Name

Postal address

Location of premises

To retail pesticides registered for general use in The Gambia subject to due compliance with the requirements of the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations.

The special conditions attached to this licence are:

This licence remains valid from _____ to _____

Granted _____ Signature _____
(date)

For the Hazardous Chemicals and Pesticides
Control and Management Board

FEE _____

Licence number _____

SCHEDULE 2
FORM B

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

(PESTICIDES LICENSING REGULATIONS)

LICENCE TO RETAIL RESTRICTED PESTICIDES

The Hazardous Chemicals and Pesticides Control and Management Board in its capacity as Licensing Authority under the Hazardous Chemicals and Pesticides Control and Management Act, hereby licenses:

Name _____

Postal address _____

Location of premises _____

To retail pesticides registered for restricted use in The Gambia subject to due compliance with the requirements of the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations.

The special conditions attached to this licence are:

This licence remains valid from _____ to _____ to

Granted _____ Signature _____
(date)

For the Hazardous Chemicals and Pesticides
Control and Management Board

FEE _____

Licence number _____

SCHEDULE 2
FORM C

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

(PESTICIDES LICENSING REGULATIONS)

LICENCE TO WHOLESALE PESTICIDES

The Hazardous Chemicals and Pesticides Control and Management Board, in its capacity as Licensing Authority under the Hazardous Chemicals and Pesticides Control and Management Act, hereby licenses:

Name _____

Postal address _____

Location of premises _____

To wholesale pesticides in The Gambia subject to due compliance with the requirements of the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations.

The special conditions attached to this licence are:

This licence remains valid from _____ to _____

Granted _____ Signature _____
(date)

For the Hazardous Chemicals and Pesticides
Control and Management Board

FEE _____

Licence number _____

SCHEDULE 2
FORM D

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

(PESTICIDES LICENSING REGULATIONS)

LICENCE TO TRANSPORT RESTRICTED PESTICIDES

The Hazardous Chemicals and Pesticides Control and Management Board in its capacity as Licensing Authority under the Hazardous Chemicals and Pesticides Control and Management Act, hereby licenses:

Name _____

Postal address _____

Location of premises _____

To transport restricted pesticides by _____ (air, road, rail, boat) in The Gambia subject to due compliance with the requirements of the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations.

The special conditions attached to this licence are:

This licence remains valid from _____ to _____

Granted _____ Signature _____
(date)

For the Hazardous Chemicals and Pesticides
Control and Management Board

FEE _____

Licence number _____

SCHEDULE 2
FORM E

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

PESTICIDES (LICENSING) REGULATIONS

LICENCE TO WAREHOUSE PESTICIDES

The Hazardous Chemicals and Pesticides Control and Management Board in its capacity as Licensing Authority under the Hazardous Chemicals and Pesticides Control and Management Act, hereby licenses:

Name

Postal address

Location of premises

To warehouse pesticides on a commercial basis in The Gambia subject to due compliance with the requirements of the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations.

The special conditions attached to this licence are:

This licence remains valid from _____ to _____

Granted _____ Signature _____
(date)

For the Hazardous Chemicals and Pesticides
Control and Management Board

FEE _____

Licence number _____

SCHEDULE 2
FORM F

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

(PESTICIDES LICENSING REGULATIONS)

LICENCE TO IMPORT A PESTICIDES

The Hazardous Chemicals and Pesticides Control and Management Board as Licensing Authority under the Hazardous Chemicals and Pesticides Control and Management Act, hereby licenses:

Name

Postal address

Location of premises

to import _____ (quality or number consignments)

name of pesticide

Manufacturer's name and address

Name and address of exporter

Registered number under the Hazardous Chemical and Pesticides Control and Management Act, _____

This licence is issued subject to due compliance with the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations.

The special conditions attached to this licence are

This licence remains valid from _____ to _____

Granted _____
(date)

Signature _____
For the Hazardous Chemicals and Pesticides
Control and Management Board

FEE _____

Licence number _____

SCHEDULE 2
FORM G

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

(PESTICIDES LICENSING REGULATIONS)

LICENCE FOR EXPORT OF A PESTICIDES

The Hazardous Chemicals and Pesticides Control and Management Board, in its capacity as Licensing Authority under the Hazardous Chemicals and Pesticides Control and Management Act, hereby licenses:

Name

Postal address

Location of premises

To export

(name of the pesticide and quantity)

To (name address, location, country)

Manufacturer's name and address

Registered number under the Hazardous Chemical and Pesticides Control and Management: _____

This licence is issued subject to due compliance with the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations.

The special conditions attached to this licence are

Granted _____
(date)

Signature _____

For the Hazardous Chemicals and Pesticides
Control and Management Board

FEE _____

Licence number _____

SCHEDULE 2
FORM H

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

(PESTICIDES LICENSING REGULATIONS)

LICENCE TO MANUFACTURE A PESTICIDES

The Hazardous Chemicals and Pesticides Control and Management Board as Licensing Authority under the Hazardous Chemicals and Pesticides Control and Management Act, hereby licenses_____

Name

Postal address

Location of premises

to manufacture _____ (name of pesticide) registered under

under the Hazardous Chemical and Pesticides Control and Management Act, Registration No _____ at the premises specified above in the Republic of The Gambia subject to due compliance with the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations.

The special conditions attached to this licence are:

This licence remains valid from _____ to _____

Granted _____ Signature _____
(date)

For the Hazardous Chemicals and Pesticides
Control and Management Board

FEE _____

Licence number _____

SCHEDULE 2
FORM J

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

(PESTICIDES LICENSING REGULATIONS)

LICENCE FOR COMMERCIAL APPLICATORS OF PESTICIDES

The Hazardous Chemicals and Pesticides Control and Management Board, in its capacity as Licensing Authority under the Hazardous Chemicals and Pesticides Control and Management Act, hereby licenses:

Name _____

Postal address _____

Location of premises _____

to carry out the business of a commercial applicator of pesticides: geographical area _____

This licence covers restricted/non-restricted pesticides/both restricted and non-restricted pesticides.

This licence is issued subject to due compliance with the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations.

The special conditions attached to this licence are:

This licence remains valid from _____ to _____

Granted _____
(date)

Signature _____
For the Hazardous Chemicals and Pesticides
Control and Management Board

FEE _____

Licence number _____

SCHEDULE 2
FORM K

HAZARDOUS CHEMICALS AND PESTICIDES
CONTROL AND MANAGEMENT ACT

(PESTICIDES LICENSING REGULATIONS)

LICENCE FOR PRIVATE USE OF A RESTRICTED PESTICIDE

The Hazardous Chemicals and Pesticides Control and Management Board, in its capacity as Licensing Authority under the Hazardous Chemicals and Pesticides Control and Management Act, hereby licenses:

Name

Postal address

Location of use

To use:

(name of pesticide; common name and trade name)

registration number

In due compliance with the Hazardous Chemicals and Pesticides Control and Management Act and its Regulations.

The special conditions attached to this licence are:

This licence remains valid from _____ to _____

Granted _____
(date)

Signature _____
For the Hazardous Chemicals and Pesticides
Control and Management Board

FEE _____

Licence number _____

PART C

DRAFT

PESTICIDES ADMINISTRATION

REGULATIONS

1993

THE PESTICIDES (ADMINISTRATION) REGULATIONS

1. These Regulations may be cited as the Pesticides (Administration) Regulations 1993.

PESTICIDES (ADMINISTRATION) REGULATIONS, 1993

PART I - PRELIMINARY

- 33. Citation
- 34. Interpretation

PART II - INSPECTION AND ANALYSTS

- 35. Designation of Inspectors
- 36. Designation of Analytical Laboratory

PART III - DISPOSAL OF SURPLUS PESTICIDES

- 37. Disposal of Pesticide in Water
- 38. Disposal of Pesticide on Land

PART IV - PRIOR INFORMED CONSENT PROCEDURE

- 39. Designated National Authority
- 40. Control of Registration of Banned and Severely Restricted Pesticides
- 41. Control of Imports
- 42. Control of Exports

PART V - ADVERTISEMENT OF PESTICIDES

- 43. Conformity with the Label
- 44. Accuracy of the Advertisement
- 45. Efficacy of Pesticides
- 46. Safety in Advertisements
- 47. Advertisement of restricted pesticides

2. In these Regulations unless the context otherwise requires, the provisions of section 2 of the Hazardous Chemicals and Pesticides Control and Management Act, 1993 shall apply and without prejudice to the generality of the foregoing:

“Act” means the Hazardous Chemicals and Pesticides Control and Management Act 1993

“designated national authority” means the authority designated as such for the purpose of implementing the Prior Informed Consent procedure under the International Code of Conduct on the Distribution and Use of Pesticides.

“export” means to send pesticides out of The Gambia to any other country.

“import” means to bring pesticides in The Gambia from any other country.

“FAO” means the Food and Agriculture Organization of the United Nations which operated the PIC Procedure and Scheme under the International Code of Conduct on the Distribution and Use of Pesticides.

“Prior Informed Consent” means the principle that international shipment of a pesticide that is banned or severely restricted in any country in order to protect human health or the environment should not proceed without the agreement, where such agreement exists, or contrary to the decisions of the designated national authority in the participating importing country

“Regulations” means these Regulations and any other Regulations which may be made under the Act.

3. The following may act as inspectors for the purposes of the Act,

- (a) any agricultural officer
- (b) any livestock officer

- (a) consult with the designated national authority in charge of pesticides in the country mentioned with a view to ascertaining the control measures taken and the reasons therefore.
- (b) consult with FAO on the status of the pesticide in question.
- (c) Provide the applicant with an opportunity to show cause why the pesticide should be registered in The Gambia.

9. The Board shall not register any pesticide which has been banned or severely restricted in the country in which it is manufactured unless the applicant can prove that the product can be handled more safely in The Gambia, given the specific environmental conditions.

10.-(1) No pesticide manufactured in The Gambia shall be exported to any country where it has been banned or severely restricted except with the authority of the Board.

(2) In any case where the authority of the Board is sought under-Regulation 1 of this Regulation; the Board shall:

- (a) liaise with FAO
- (b) liaise with the designated national authority in the country of export.

3. The Board shall not grant a licence for export unless the designated national authority in the country of export agrees.

PART V - ADVERTISEMENT OF PESTICIDES

11.-(1) Every advertisement of a pesticide shall be in conformity with statements made in the label.

(2) Every advertisement of pesticide shall encourage the purchaser of a pesticide to read the label before using the pesticide.

(3) Where the purchaser of a pesticide cannot read the label, it shall be the duty of the seller to read the label to the purchaser.

(4) No advertisement shall encourage the use of a pesticide for a purpose or in a manner other than that provided for in the label.

12.-(1) The advertisement shall be accurate in all its particulars and shall not:

- (a) contain any statement which cannot be technically substantiated.

- (b) contain any statement or visual presentation which, directly or by implication, omission, ambiguity or exaggerated claim, is likely to mislead the buyer, in particular with regard to the safety of the product, its nature, composition, or suitability for use or official recognition or approval.
- (c) Contain recommendations different from those of recognized research organizations.
- (d) Misquote or misuse quotations from scientific research to mislead the purchaser.

13.-(1) Every claim for the efficacy of a pesticide in an advertisement shall be supported by sufficient technical data.

2. No comparison with the efficacy of other pesticides shall be made for any pesticide in an advertisement.

14.(1) No person shall make an advertisement claiming safety of a pesticide unless such a claim is qualified by the word “when used as directed”.

2. No advertisement of a pesticide shall contain a statement comparing the safety of such a pesticide with any other pesticide.

3. Every advertisement and every visual representation therein shall contain only the safe practices in accordance with the label and the conditions of registration of the pesticide.

4. Children shall not be used in any advertisement for pesticide

5. Every person who undertakes to promote the marketing of a pesticide shall ensure that all persons involved in the promotion of the pesticide are adequately trained and possess sufficient technical knowledge to present complete and accurate information on the products sold.

15. Every advertisement of a restricted pesticide shall state the restriction imposed.