

A BILL ENTITLED

HAZARDOUS CHEMICALS

AND

PESTICIDES CONTROL AND MANAGEMENT

ACT, 2016

BILL

**Short title: A BILL ENTITLED
HAZARDOUS CHEMICALS AND PESTICIDES CONTROL AND
MANAGEMENT ACT, 2016**

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**Being AN ACT to provide for the control
And management of the manufacture,
Distribution and use of hazardous
Chemicals and pesticides and to make
Provision for matters connected therewith**

**ENACTED by the President and Members of Parliament in this present Parliament
as follows**

Short Title

Interpretation

1. In this Act, unless the context otherwise requires,

“active ingredient” means the biologically active part of pesticide or chemical present in a formulation;

“adjuvant” means any adhesive, deposit builder, emulsifying agent, spreading agent, synergist or wetting agent intended to be used as an aid to the application of a chemical or pesticide;

“advertising” means the promotion of the sale and use of the chemical or pesticide by print electronic media, signs, displays, gift, demonstration or word of mouth;

“Agency” means the Environment Protection Agency;

“banned substance” means a chemical or a pesticide for which all registered uses have been prohibited by the Board, or for which all requests for registration or equivalent action for all uses have for health and environmental reasons, not been granted;

“Board” means the Chemicals and Pesticides Control and Management Board established under section 2 (1);

“chemical” means a chemical substance in any form whether by itself or in a mixture or preparation whether manufactured or obtained from nature and includes a hazardous chemical and such substances used as industrial chemical and waste from expired drugs and related substances but excludes viable medicines.

“common name” means the name assigned to a chemical or pesticide active ingredient by the International Standards Organization to be used as a generic or non-proprietary name for that particular active ingredient only;

“formulation” means the combination of various ingredients designed to render the product useful and effective for the purpose claimed and includes the form of the chemical or pesticide as purchased by users;

“hazardous chemical”, means any chemical which has the likelihood of causing adverse effects or injury to human health or the environment and which has been so designated by the Board;

“inspector” means an inspector designated by the Executive Chairperson or the Board under section 28;

“liable” means the written, printed or graphic matter on, or attached to, the chemical or pesticide or the immediate container thereof and the outside container or wrapper of the retail package of the chemical or pesticide;

“manufacture” means the production, by a person or other entity engaged in the business or function (whether directly or through an agent or through and entity controlled by or under contract with it), of a chemical’s or pesticide’s active ingredient or preparation of its formulation or production and includes formulation for the purposes of this Act;

“pesticides” means

(a) any substance or mixture of substances intended for preventing, destroying or controlling any pest, including vectors of human or animal disease, unwanted species of plants or animals causing harm during or otherwise interfering with the production, processing, storage, transport, or marketing of food, agricultural commodities, wood and wood products, or animals for the control of insects, arachnids or other pests in or on their bodies; and

(b) includes substances intended for use as a plant growth regulator, defoliant, desiccant, or agent for tinning fruit or preventing the premature fall of fruit, and substances applied to crops wither before

or after harvest to protect the commodity from deterioration during storage and transport;

“pictogram” means a symbol which conveys a message without words;

“provisional clearance” means an authority given by the Board to allow us, or sale as the case may be, on a limited basis and under stipulated conditions for the purpose of obtaining information needed before registration will be granted;

“registrar” means the per designated as such by the Executive Chairperson under section 7;

“registration” means the process whereby the Board approves the import, manufacture, sale and use of a chemical or pesticide following the evaluation of comprehensive scientific data demonstrating that the product is effective for the purposes intended and not unduly hazardous to human or animal health or the environment;

“sell” includes offer for sale and offer to provide goods as part of a service of pest control even if the goods are described as free or included in the service;

“severely restricted chemical or pesticide” means a chemical or pesticide for which virtually all registered regulatory action is restricted by certain specific registered use or uses remain authorized;

“trade name” means the name under which the chemical or pesticide is labeled, registered and promoted by the manufacturer and which can be used exclusively by the manufacturer to distinguish the product from other chemical pesticides containing the same active ingredient; and

“technical committee” means any committee established under section 6 that advises the Board on any matter pertaining to chemicals and pesticides registration and control.

PART II – ADMINISTRATION

Establishment
the Chemicals and
Pesticides Control and
and Management Board and
Its functions

2. (1) There is hereby established the Chemicals and Pesticides Control Management Board which shall be responsible for the registration, control management of all hazardous chemicals and which shall perform the functions assigned to it in this act.

(2) Without prejudice to the generality of subsection (1) the Board shall

(a) monitor and control the import, manufacture, distribution storage, and disposal of chemicals and pesticides in Sierra Leone and to this end collect, maintain and publish information relating the chemicals and pesticides;

(b) prepare guidelines on the environmentally sound handling and use of chemicals and pesticides;

(c) conduct public educational campaigns on the wise use of chemicals and pesticides;

(d) register pesticides, issue provisional clearances certificates and permits;

(e) control the import, manufacture, sale, storage, and use of chemicals and pesticides through licensing;

(f) designate by order published in the Gazette any chemical to be a hazardous chemical which shall be subject to the provisions of this Act, and register and issue

provisional clearance and certificates for such chemicals’

(3) The Board may in the performance of its functions delegate any of its powers to any public officer subject to the approval of the Executive Chairperson, provided that the public officer does not sub-delegate the power delegated to him.

Composition
of Board

3. (1) The Board shall be composed of -
- (a) the Executive Chairperson of the Environment Protection Agency who shall serve as Chairman;
 - (b) the Director of Agricultural Services or representative
 - (c) the Director of Livestock services or representative;
 - (d) the Chief Medical Officer of Ministry of Health and Sanitation or representative;
 - (e) the Commissioner of Customs and Excise or representative;
 - (f) the Director General of Agricultural Research Institute or representative;
 - (g) the Solicitor general and legal secretary or representative;
 - (h) a nominee of the Sierra Leone Chamber of Commerce and Industry;
 - (i) the registrar of Chemicals and pesticides who shall serve as Secretary, and
 - (j) two other persons appointed by the President to server for a term of three years.

(2) A person appointed under subsection (1) (j) may be eligible for re-appointment upon the expiry of his term of office.

Meetings of the Board

4. (1) The Chairman shall preside at all meetings of the Board at which he is present
- (2) In the absence of the Chairman at a meeting of the Board, the members present shall elect one of their number to preside at the meeting.
- (3) All decisions taken at a meeting of the Board shall be determined by a simple majority vote of members present and voting
- (4) The Chairman or the member presiding at a meeting of the Board shall have a vote and, if upon any question the votes are equally divided, he shall have a casting vote
- (5) The Board shall meet at least four times in the year
- (6) At any meeting of the Board, five members including the Chairman or the members presiding shall form a quorum
- (7) The chairman may convene a special meeting of the Board on his own initiative and shall do so upon the written request of three members.
- (8) The Board may invite any person to attend and participate in any of its meetings but the person shall have no right to vote at the meeting.
- (9) Subject to this section, the Board may regulate its own rules of procedure.

Liability of Members of the Board

5. No member of the Board acting in good faith shall be liable for any act done by the Board in the course of its duties

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| Technical Committees | 6. | (1) | The Board may establish such technical committees as it thinks necessary to advise it in implementing this Act. |
| | | (2) | The Board shall determine the terms of reference for each technical committee. |
| | | (3) | A technical committee shall be chaired by a member of the Board and shall be composed of such number of experts as may be appointed by the Board to serve for such term as may be specified in their appointments. |
| The Registrar of Chemicals and Pesticides | 7. | (1) | There shall be a registrar of Chemicals and Pesticides who shall be appointed by the Executive Chairperson and who shall have such qualifications as the Board may determine |
| | | (2) | The registrar of Chemical and Pesticides shall serve under the direction of the Board and shall perform all duties required under this Act and guidelines made thereunder. |
| | | (3) | Without prejudice to the generality of subsection (2) the Registrar shall |
| | | (a) | maintain and publish periodically a register of pesticides stating registered, provisionally cleared, restricted and banned chemicals; |
| | | (b) | maintain and publish periodically a register of all chemicals stating registered, provisionally cleared, restricted and banned chemicals; |
| | | (c) | issue licences, certificates of registration and provisional clearance as directed by the Board; |

(d) maintain registers of manufacturers, importers, distributors and commercial applicators of pesticides and chemicals; and

(e) implement international notification schemes relating to chemicals and pesticides including the prior informed consent procedure

(3) For the purposes of this section prior informed consent means the principle that a chemical or pesticide banned or severely restricted for health or environmental reasons should not be shipped in international trade without the agreement of the importing country.

The Chemicals and Pesticides Control and Management Fund

8. (1) There is hereby established the chemicals and Pesticides Control and Management Fund, (hereinafter referred to as the “Fund”).

(2) The fund shall be administered by the Board

(3) All fees and fines payable under this Act, disbursements from other sources for the purpose of chemicals and pesticides control and management shall be paid into the Fund;

(4) The Fund shall be applied solely for the furtherance of the objectives of this Act including public awareness of the safe and appropriate handling of chemicals and pesticides.

PART III - REGISTRATION OF PESTICIDES AND CHEMICALS

Mandatory registration of Pesticides and chemicals.

9 No person shall import, manufacture, formulate, offer, hold stock, sell, use or advertise any chemical or pesticide which has not been registered, provisionally cleared, or authorized in accordance with the Act.

Application for Registration of a chemical or a pesticide.	10	<p>(1) An application for the registration of chemical or pesticides shall-</p> <p>(a) be submitted to the Board in the prescribed form, and</p> <p>(b) be accompanied by the fee prescribed in the Schedule</p> <p>(2) Information submitted to the board shall be treated as confidential.</p>
Decision of the Board	12	<p>(1) The Board shall consider the application submitted in accordance with section 10 and if it is satisfied after any inquiry, investigation test or analysis of the chemical or pesticide, provisionally clear the chemical or pesticide or register or reject the application.</p> <p>(2) Upon the registration or provisional clearance of the chemical or pesticide, the certificate, and assign a registration number upon payment of the prescribed fee in the Schedule.</p> <p>(3) A provisional clearance of a chemical or pesticide shall be valid for a period of one year.</p> <p>(4) In making its decision under sub-section (1) the Board shall be guided, among other considerations, by whether.</p> <p>(a) all matters submitted with the application are true in all material particulars,</p> <p>(b) the label is not misleading and complies with this Act,</p> <p>(c) the chemical or pesticide which is the subject of the application has not been registered under this Act,</p>

		<p>(d) the chemical or pesticide does not pose a serious danger to human or animal health and the environment when applied in accordance with the instructions given on the label, and</p> <p>(e) the use of the chemical or pesticide has not been restricted or banned in other countries.</p> <p>(5) Where the Board rejects an application for the registration of a chemical or pesticide under this section, it shall state its reasons for the rejection.</p>
Authorization to import, manufacture and use unregistered chemicals	12	<p>(1) Notwithstanding the provisions of sections 9, 10, and 11, the Board may authorize the import, manufacture and use of a chemical or pesticide which has not been registered or provisionally cleared if the chemical or pesticide is to be applied solely for scientific or educational purposes.</p> <p>(2) An authorization of the Board under subsection (1) shall be pursuant to an application made in the prescribed form and subject to such conditions, as the Board deems fit.</p> <p>(3) The fee prescribed in the Schedule shall be paid for the issuance of such authorization.</p> <p>(3) An authorization under this section shall</p> <p>be</p> <p>issued upon payment of the fee prescribed in the Schedule and shall be valid for the period stated therein which shall not exceed one year.</p>
Duration of registration and renewal of registration.	13.	<p>(1) The registration of a chemical or pesticide shall be valid for a period of two years.</p> <p>(2) The Board may, upon the application of the person desiring to renew the registration of a chemical or pesticide, renew the registration for a further period of two years provided that the Board is satisfied that</p>

the chemical or pesticide remains safe and effective for use in Sierra Leone.

- (3) Where the Board refuses to renew the registration of a chemical or pesticide in accordance with subsection (2) it shall give its reasons.

Registration and subsequent banning of chemicals and pesticides.

- 14. (1) Upon application for the registration of a chemical or pesticide or where after registration a chemical or pesticide is proved to be dangerous to human or animal health or the environment, the Board shall restrict the use and handling of such a chemical or pesticide and require that the chemical or pesticide be manufactured, sold, distributed, stored and used subject to such conditions as the Boards thinks necessary.

- (2) If, after registration, the chemical or pesticide proves to be dangerous to human or animal health and the environment even when used or handled in accordance with the instructions given on the label, the Board shall prohibit the use of such a chemical or pesticide and declare it a banned chemical or pesticide.

- (3) Where the Board makes a decision in accordance with sub-sections (1) or (2), it shall amend the register of pesticides or the register of hazardous chemicals as the case may be.

Cancellation or registration.

- 15. (1) The Board may cancel the registration, provisional clearance or authorization of any chemical or pesticide and shall give reasons for such cancellation but in any such case the Board shall, before proceeding, give an opportunity to the person on whose application the chemical or the pesticide was registered an opportunity to show cause why the registration should not be cancelled.

- (2) Without prejudice to the generality of sub section (1) the Board may cancel the registration of a chemical or pesticide if

- (a) the registration was secured in violation of this Act;

- (b) the chemical or pesticide has been banned in accordance with subsection 14 (2).
 - (c) The chemical or pesticide had been registered subject to conditions and those conditions have not been observed;
 - (d) the chemical or pesticide has fallen into disuse; or
 - (e) the chemical or pesticide had been withdrawn from the market.
- (3) Where a chemical or pesticide has been withdrawn from the market the person upon whose application the pesticide was registered shall notify the Board in writing of such withdrawal.
 - (4) Where the Board cancels the registration of a chemical or pesticide it shall publish the cancellation in the Gazette and direct the Registrar to effect amendments to the register of chemicals or pesticides as the case may be.

PART IV

PRESENTATION OF CHEMICALS AND PESTICIDES

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| Containers | <p>16. (1) The Board shall, on the registration or provisional clearance of a chemical or pesticide, approve a container suitable for the safe and effective storage, distribution, and handling of the chemical or pesticide.</p> <p>(2) No person shall import, distribute, store or sell a chemical or pesticide in any form other than in a container conforming in all respects to the container approved in subsection (1).</p> <p>(3) A manufacturer, in the case of a chemical or a pesticide manufactured in Sierra Leone, or</p> |
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importer of a chemical or pesticide, may be required by the Board to be responsible for disposing of the containers of chemicals or pesticides in any manner that may be prescribed.

- (4) No person shall use a chemical or pesticide container for a purpose which has not been approved by the Board.

Labels

- 17. (1) No person shall distribute, sell, offer for sale, or hold in stock any chemical or pesticide unless a label is part of or securely included in or affixed upon its container and the label has been approved by the Board.
- (2) The label shall be written in English and shall state any particulars as may be prescribed.
- (3) Pictograms as may be prescribed shall be used in each Label.
- (4) For the purposes of this Act any publication issued along with a chemical or pesticide containing information that may be in accordance with the provisions of sub-section 2 of this section shall be deemed to be part of the Label.
- (5) No person shall alter the label of any chemical or pesticide in contravention of this sub-section .

Advertising of chemicals and pesticide

- 18. (1) No person shall advertise any chemical or pesticide -
 - (a) that has been banned or is not registered in accordance with this Act, or
 - (b) in a manner that is false, misleading or intended to deceive.
- (2) An advertisement of a chemical or pesticide shall.

- (a) be consistent with the statement required under section 17 to be included in the label.
- (b) Not include any false or misleading comparisons with other chemicals or pesticides; and
- (c) comply with the conditions of registration of the chemical or pesticide and with such other requirements as may be prescribed.

PART V

CONTROL OF MANUFACTURE, IMPORT EXPORT, DISTRIBUTION AND USE OF CHEMICALS AND PESTICIDES BY LICENSING

Licensing for
manufacture,
Importation of, etc,
chemicals or
pesticides

19. (1) No person shall be issued with a license for the manufacture, import, export, use, storage, or sale of a chemical or pesticide unless the chemical or pesticide has been registered or provisionally cleared.
- (2) An application for a licence under sub-section (1) shall be accompanied by the fee prescribed in the Schedule.
- (3) An application for a licence for a chemical or pesticide which has been registered for a restricted use shall be made to the Board stating how the applicant proposes to fulfill the conditions required by the Board for the restricted use of the chemical or pesticide.
- (4) Each licence granted by the Board shall be subject to a fee prescribed in the Schedule.

Licensing
of premises

20. (1) A licence for the manufacture, storage, and sale of a chemical or pesticide shall specify the location and premises in which such manufacture, storage and sale of the

			chemical, or pesticide shall take place and shall be valid for such place only.
		(2)	The Board shall inspect the premises before directing the issue of a licence, under sub-section (1) in order to determine their suitability for the purpose for which the licence is required.
Use of chemicals and pesticides	21.	(1)	No person shall use or require another person to use a chemical or pesticide in a manner or for a purpose contrary to the manner or purpose permitted by the Board.
		(2)	A person who requires or permits another person to use a chemical or pesticide shall provide and require that other person use such facilities and clothing conducive to the safe handling of such chemical or pesticide.
Licensing of commercial applications	22.	(1)	A person desiring to carry on the business of commercial applications of chemicals or pesticides shall apply to the Board for a commercial applicator's licence in the prescribed form.
		(2)	In making its decision on whether to grant a commercial applicator's license, the Board shall be guided by among other considerations -
		(a)	the applicant's understanding of chemicals or pesticides, their beneficial use and their possible effects.
		(b)	the applicant's ability to compensate any victims of chemical or pesticide use by possessing an adequate insurance policy and resources and
		(c)	the applicant's possession of suitable premises, equipment, and protective clothing.
		(3)	Subject to sub-sections (1) and (2) a commercial applicator's licence shall be

issued on payment of the fee prescribed in the Schedule.

PART VI

HEALTH AND ENVIRONMENTAL MEASURES

Control of
the pesticides
residues in food.

23. (1) The Executive Chairperson in consultation with Board make regulations.
- (a) to prohibit the use of certain pesticides or chemicals in any food products, feedstuffs or food by - products for preservation;
- (b) to prohibit the use of certain pesticides at any period in the growing of food crops; and
- (c) to establish viable standards of maximum residue limits of pesticides in food; food products, feedstuffs and food by-products.
- (2) No person shall manufacture, import, sell or distribute any food, food products and feedstuffs, or food by-products to which pesticides have been applied in contravention of any regulation made under this Act.

Powers of inspectors

24. (1) An inspector designated under section 28 shall have power-
- (a) to enter and inspect premises where food, food products, feedstuffs and food by-products are reasonably believed to be contaminated by chemicals or pesticides are kept,
- (b) to seize, detain, remove and take samples of such food products, feedstuffs and food by-products wherever found; and
- (c) to submit such samples for analysis.

- (2) The procedures laid down in section 30, regarding the taking of samples of pesticides, samples and analysis of food products, feedstuffs and food by-products under this section.
- Notification of death and injury
25. (1) Any person on whose premises or land, injury or death of another person or animal has occurred as a result of exposure to, use or handling of chemicals or pesticides shall send a notice within twenty-four hours of such death or injury to the Registrar.
- (2) any registered medical practitioner who has reason to believe, upon examination of a person, that such a person has died or suffered personal injury as a result of exposure to chemicals or pesticides shall notify the Registrar.
- (3) any public health officer who has reason to believe that certain ailments and death occurring in any area under his charge may be linked to exposure to any chemical or pesticide being handled or used in the area shall notify the Registrar.
- (4) Any livestock officer who has reason to believe that certain ailments and death occurring in any area under his charge may be linked to exposure to any chemicals or pesticide shall notify the Registrar of the death.
- Inquiry
26. (1) The Registrar may, upon receiving a notification under section 25, appoint a person having legal or special qualifications to hold an inquiry into the cause of death or injury.
- (2) The person appointed to hold the inquiry shall have the power of a Magistrate.
- (3) The person holding the inquiry shall within a reasonable time report his findings and recommendations to the Registrar.

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| | (4) | The Registrar shall report to the Board on the findings and recommendations of the inquiry and the Board shall take such measures as it thinks appropriate. |
| Disposal of chemicals, pesticides and their containers | 27. | No person shall dispose of any chemical, or for the storage, distribution or handling of a chemical or pesticide except in accordance with guidelines issued by the Board. |

PART VII

ENFORCEMENT

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| Designation of Inspectors | 28. | The Agency may designate persons to be inspectors within such local limits as may be specified in the notification. |
| Powers and duties of Inspectors | 29. | <p>An inspector may, in the performance of his duties pursuant to this Act or any regulation made under it, at all reasonable times without warrant-</p> <ul style="list-style-type: none"> (a) enter on any land, premises or vehicle where a chemical or pesticide is or may be reasonably suspected to be manufactured, stored, sold, distributed or used to determine whether the provisions of this Act are being complied with; (b) require the production of, inspect, examine and copy licences, registers, records and other documents relating to this Act; (c) make examinations and inquiries to discover whether this act is being complied with; (d) take samples of any articles and substances to which this Act relates and, as may be prescribed, submit such samples for test and analysis; (e) carry out periodic inspections of all establishments within the local limits of his jurisdiction which manufacture, import, |

store, sell, distribute or use chemicals or pesticides, including any impromptu visits, to determine whether the provisions of this Act are being complied with;

- (f) enter and inspect farmers' fields to ensure that only the recommended pesticides are used on specific crops and according to prescribed procedures;
- (g) seize any equipment, chemical, pesticide or other thing which he believes has been used in the commission of an offence against this act or regulations made thereunder; or
- (h) cause a police officer to arrest any person whom he believes has committed an offence against this Act.

- (2) In exercising his powers under this section, the Inspector shall identify himself.

Procedure for
taking samples of
chemicals and
Pesticides

- 30. (1) An Inspector shall, before taking samples of any chemical or pesticide in accordance with section 29 (d) for analysis, inform the person in possession of the chemical or pesticide that the sample shall be taken for analysis.
- (2) In exercising his powers under this section the Inspector shall carry with him an Official identification card to identify himself.
- (3) The Inspector shall divide the samples into three parts to be marked, sealed and delivered as their nature will permit, as follows:-
 - (a) the sample to be delivered to the person in possession of the chemical or pesticide;
 - (b) the sample to be delivered to the designated laboratory for analysis; and
 - (c) the sample to be delivered to the Registrar.

		(4)	Where the chemical or pesticide is packed in small containers or if the chemical or pesticide is likely to deteriorate or be damaged by exposure, the Inspector may take three containers or packages and after suitable marking the same and sealing them, proceed as provided for in sub-section (2).
		(5)	In the event of a dispute the sample delivered to the Registrar shall be sent by the Board to a reference laboratory.
Designation of analytical laboratories	31.	(1)	The Executive Chairperson may designate any laboratory to be a laboratory for analysis and reference for the purposes of this Act.
		(2)	The designation in sub-section (1) shall specify the functions of the laboratory and the local limits or subject matter which it shall serve, provided that if the designated laboratory is not functioning then any laboratory close to it shall be used.
Who may request analysis	32.	(1)	An Inspector may, in writing, request the designated laboratory to analyse a sample taken in accordance with section 29 (d)
prescribed in		(2)	A buyer of a chemical or pesticide may, upon the payment of the fee
			the Schedule be entitled to request the analysis of the chemical or pesticide.
		(3)	The Board may order that a chemical or pesticide be analysed.
Analysis of chemicals pesticides residues in food and their effect environment	33.		A designated laboratory may analyse any food, water, air, soil, or other substance submitted by the Board or an Inspector pursuant to a request in the writing in order to determine the levels of chemical or pesticide residues in food or the effect of chemicals and pesticides on the quality of water, air, soil and other living and non-living things or to make any such determination as the Board or the

Inspector may require.

Certificate of the
the analyst and
its effect

34. (1) The designated laboratory shall issue a certificate of analysis stating the results of analysis of any substance submitted to it.
- (2) The certificate of the designated laboratory, or the reference laboratory, as the case may be, shall state the method of analysis followed and such a certificate shall be signed by the person who conducted the analysis.
- (3) A certificate in accordance with this section shall be sufficient evidence of the facts stated in it.

Keeping of records of
chemicals and pesticides

35. (1) The Board shall keep all records of chemicals and pesticides manufactured, imported, exported, formulated, sold or otherwise distributed in Sierra Leone.
- (2) Every person who manufactures, imports, exports, formulates, sells or otherwise distributes chemicals or pesticides or is a commercial applicator of chemicals or pesticides in accordance with this Act, shall keep a record of all quantities of chemicals or pesticides manufactured, formulated, imported, exported, sold, distributed or used by him.
- (3) The record kept in accordance with sub-section (1) shall contain the name and address of persons involved in such transactions and shall contain any other matters that may be prescribed or contained in the conditions of registration of any pesticide or chemical.
- (4) The record kept in accordance with sub-section (2) shall be made available to an Inspector, the Registrar or the Board upon request and the record shall be submitted to the Board at the end of each calendar year.

PART VIII

OFFENCES AND PROCEEDINGS

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| General penalty | 36. | A person who commits an offence under this Act for which no penalty is provided shall be liable, on conviction to a fine not exceeding forty million Leones or to a term of imprisonment not exceeding three years. | |
| Specific offences | 37. | (1) | A person who |
| | | (a) | knowingly gives false information in an application for the registration of a chemical or pesticide; |
| | | (b) | manufactures, imports, exports or sells an unregistered pesticide or banned chemical or pesticide contrary the provisions of sections 9, 12, 14 and 19; |
| | | (c) | contravenes sections 16, 17, and 18; or |
| | | (d) | carries on the business of a commercial chemical or pesticides applicator without a licence contrary to section 22 of this Act, |
| | | | commits an offence and is liable on conviction to a fine not exceeding sixty million Leones or to a term of imprisonment not exceeding five years, or to both. |
| | | (2) | A person who - |
| | | (a) | manufactures, exports, imports, stores, distributes, transports, or sells or offers for sale any chemical or pesticide without a licence issued under this Act, or |
| | | (b) | manufactures, exports, imports, stores distributes or sells any chemical or pesticide |

at premises different from those licenced
for the purpose under this Act,

commits an offence and is liable on conviction to a fine not exceeding
sixty million Leones or to a term of imprisonment not exceeding five
years, or to both.

- (3) A person who -
 - (a) sells any food contaminated with a chemical or pesticide contrary to any standards laid down pursuant to this Act;
 - (b) uses or compels an employee to use a chemical or pesticide contrary to its conditions of registration under this Act;
 - (c) fails to notify the Registrar of death or injury contrary to section 25;
 - (d) obstructs an Inspector in the course of his duties contrary to sections 29 and 30;
 - (e) alters a sample delivered to him or the seals placed on such a sample by an Inspector or the Board under sections 30 and 33.

Commits an offence and is liable on conviction to a fine not exceeding
forty million Leones or to a term of imprisonment not exceeding two
years or to both.

Adulterated,
decomposed and
deteriorated
chemicals and
pesticides and their
containers

- 38, (1) No person shall manufacture, formulate, import, sell, distribute or store any chemical which -
 - (a) has been adulterated,
 - (b) has decomposed or deteriorated so as to be ineffective for its purpose or hazardous to human or animal health or to the environment, or

- (c) is packed in containers which have deteriorated or have been damaged rendering them dangerous to store, handle or use safely.

any person who contravenes the provisions of subsection (1) commits an offence and is liable on conviction to a fine not exceeding fifty million Leone or to a term of imprisonment not exceeding four years, or to both.

Liability or bodies
cooperate,
partnerships,
agent,
principals
and employers

- 39. (1) Where an offence under this Act is committed by a body corporate, every director or officer of the body corporate who had knowledge or ought to have had knowledge of the commission of the offence shall be deemed to have committed the offence.
- (2) Where an offence is committed under this Act by a partnership, every partner who had knowledge or ought to have had knowledge of the commission of the offence shall be guilty of the offence.
- (3) A person shall be personally liable for any offence under this Act whether committed by him on his own account or as an agent or servant of another person.
- (4) An employer or principal shall be liable for an offence committed by his employee or agent against this Act unless the employer or principal proves that the offence was committed without his consent, or connivance, and that no neglect is attributable to him.

Forfeiture,
cancellation
and other
orders

- 40. (1) The court before which a person is prosecuted for an offence against this Act or the regulations made under it, may upon conviction of the person and in addition to

any order made, order that the substance, equipment and appliances used in the commission of the offence be forfeited to the State and be disposed of as the Court directs.

- (2) In making the order to forfeit under subsection (1) the Court may also order that the substances, equipment and appliance be borne by the accused.
- (3) The Court may further order that the registration or provisional clearance of a chemical or pesticide, or a licence or permit issued under this Act be cancelled.

PART IX – FINAL PROVISIONS

Decisions of the The Board	41.	The decisions of the Board under this Act shall be final.
Exemptions for for government activities and in cases of pest and health emergency	42.	<ul style="list-style-type: none"> (1) The Board may, if it deems it fit, exempt for certain pesticides imported and distributed in Sierra Leone by the Government from fees required to be levied by the provisions of this Act. (2) In cases of pest emergencies, the Board may exempt, from fees required to be levied under this Act, any pesticides donated, imported or distributed by international aid agencies and programmes.
Schedule	43.	<ul style="list-style-type: none"> (1) The fees payable under this Act are set out in the schedule. (2) The Executive Chairperson may from time to time after consulting with or on the advice of the Board, by order published in the Gazette, amend the Schedule.
Power to make regulations	44.	<ul style="list-style-type: none"> (1) The Executive Chairperson may after consultation with the Board, make regulations for the effective carrying out of implementation of this Act.

- (2) In particular and without prejudice to the generality of subsection (1) the regulations may provide all or any of the following matters -
 - (a) the form in which an application for registration of a chemical or a pesticide or renewal of registration shall be made, the procedure for application, and the information that shall be required;
 - (b) the form and content of the label including the use of suitable pictograms;
 - (c) the requirements relating to chemical containers and pesticide containers;
 - (d) the licensing of manufacture, import, export, storage, transport, distribution and sale of pesticides and the form of, and the conditions attached to, such licences;
 - (e) the form of the certificates of registration and the provisional clearance, licences, permits and authorizations provided for under this Act;
 - (f) the advertising of chemicals and pesticides;
 - (g) the licensing of commercial applicators, the form of and the conditions attached to, such licences;
 - (h) the determination of maximum residue limits of pesticides in food and measures to minimize such residues;
 - (i) the environmentally sound disposal of chemicals, pesticides and their containers;
 - (j) qualifications and duties of inspectors, analysts and referee analysts;
 - (k) the methods of sampling and analysis to be followed;

- (l) the records to be kept and the form in which they shall be kept;
- (m) measures for compensation of workers injured by chemicals and pesticides in the course of employment;
- (n) notification procedures for chemicals and pesticides which are banned or severely restricted in other countries including the implementation of the prior informed consent procedure in accordance with International arrangements;
- (o) methods for safe trials of pesticides in the field;
- (p) secrecy of information submitted to the Board as confidential; and
- (q) the regulation of the chemicals and Pesticides Control and Management Fund.
- (r) The management and control of toxic substances

SCHEDULE OF FEE	LEONES
1. Application for registration of pesticide or chemical (Section 10)	50,000.00
2. Registration of a pesticide or chemical (Section 11)	500,000.00
3. Provisional clearance of a pesticide or chemical (Section 11)	250,000.00
4. Registration of a restricted pesticide or chemical (Section 12)	1,000,000.00
5. Authorization to import an unregistered pesticides or chemical (Section 12)	1,000,000.00
6. Application for renewal of registration (Section 13)	50,000.00
7. Renewal of registration (Section 13)	500,000.00
8. License for the manufacturer of a pesticide or chemical	

	(Section 19)	1,000,000.00
9.	Licence for an importer of pesticides or chemicals (Section 19)	500,000.00
10.	License for an exporter or pesticides or chemicals (Section 19)	500,000.00
11.	License for a distributor of pesticides or chemicals wholesale (Section 19)	250,000.00
12.	License for warehousing pesticides or chemicals (except in cases of distributors) Section 19)	1,000,000.00
13.	License for a distributor or pesticides or chemicals for general use (retail) (Section 19)	250,000.00
14.	License for a distributor of restricted pesticides or chemicals (retail) (Section 19)	1,000,000.00
15.	Commercial Applicators license (Section 24)	250,000.00