

Pest Control Products (Importation and Exportation) Regulations, 2018

Regulation

PEST CONTROL PRODUCTS (IMPORTATION AND EXPORTATION) REGULATIONS, 2018

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SCHEDULE

PEST CONTROL PRODUCTS (IMPORTATION AND EXPORTATION) REGULATIONS, 2018

1. Citation

These Regulations may be cited as the Pest Control Products (Importation and Exportation) Regulations, 2018.

2. Importation, exportation and re-exportation to be authorized

(1) No person shall import, export or re-export a pest control product for commercial and other purposes unless that person is in possession of a permit issued under these Regulations.

(2) No permit shall be issued for the importation, exportation or re-exportation of a pest control product unless the pest control product is registered in accordance with the Pest Control Products (Registration) Regulations, 2018.

(3) No permit shall be issued under these Regulations unless the Board is satisfied that the provisions of the Pest Control Products Act, 2018 have been complied with.

3 Importation for research purposes

No permit shall be issued for importation of pest control product for research purpose unless the pest control product is authorized in accordance with Pest Control Products Act

4. Presumptions

(1) For the purpose of paragraph (1) of regulation 2, a pest control product shall be

considered to be for commercial purposes if it is for a use other than scientific research or testing and products imported for resale, manufacture, formulation, owner's use or commodity aid shall be deemed to be imported for commercial purposes.

(2) For the purpose of paragraph (1) of regulation 2, a pest control product shall be deemed to have been exported or re-exported when it leaves the port of exit for the purpose of export or re-export.

5. Application for permits

(1) Any person desiring a permits in respect of importation, exportation or re-exportation of a pest control product shall apply to the Board for a permit in prescribed format as determined from time to time by the Board who shall state the purpose of the importation, exportation or re-exportation of the pest control product in the following manner—

- (i) "FOR RESALE", where the product is being imported, exported or re-exported for the purpose of resale whether in the original pack or after repacking; or
- (ii) "FOR MANUFACTURING PURPOSES", where the pest control product is being imported, exported or re-exported for use in the manufacture or formulation of a registered pest control product; or
- (iii) "FOR IMPORTER'S OWN USE", where the pest control product is being imported into Kenya or exported to another country for the sole use of the importer, together with information respecting where the pest control product shall be used and the nature of that use.
- (iv) "FOR RESEARCH PURPOSES" where the pest control being imported is for research purposes, trials or studies

(2) The Board shall from time to time determine the fee to be paid in respect of an application for a permit.

6. Approval and issue of permits

(1) The Board may approve an application made under regulation 5 if it is satisfied that—

- (a) the application contains the information required under that regulation;
- (b) the pest control product contains ingredients that have been previously assessed or evaluated for the purposes of the Act and these Regulations and which have been accepted for registration or research under the Pest Control Products (Registration) Regulations, 2018, for the use stated in the application;
- (c) premises where the pest control product is to be stored, processed, warehoused, used, repacked or sold shall have been duly licensed by the Board", and issue a permit in prescribed format.

(2) Where the Board does not approve an application, it shall give reasons therefor.

(3) No person to whom a permit has been issued under these Regulations shall lend, hire, sell, transfer or otherwise dispose of that permit to any other person without the approval of the Board, which approval shall be endorsed on the permit.

(4) The Board may attach to a permit such conditions as it deems fit to impose and in particular any such condition may restrict the importation, exportation and re-exportation of a pest control product from a specified source or for specified usage and the Board may, from time to time, vary, add to or revoke any of the conditions attached to a permit.

(5) The permit issued under regulation 2(1) shall be valid for six(6) months from the date of issue.

7. Duty of customs officers

Where for any reason a customs officer at a port of entry withholds the release of any pest control product he shall forthwith advise the Board of that action.

8. Cancellation and suspension of permits

(1) The Board may cancel or suspend, for such period as it deems fit, a permit issued under these Regulations if satisfied that—

- (a) the permit holder or permit holder employee or agent has been convicted of an offence under the Act; or
- (b) the permit holder or permit holder employee or agent has committed a breach of any of the terms or conditions of the permit; or
- (c) for any other reason, it is in the public interest to do so.

(2) Before cancelling or suspending a permit under this Regulation the Board shall give the permit holder twenty-eight days' notice to show cause why the permit should not be cancelled or suspended and the Board's decision in the matter shall be final.

(3) if the breach poses danger to the public or the environment the Board shall suspend the permit immediately

9. No person shall package, store, transport, display, distribute, sell or otherwise deal in a pest control product that has not been imported in accordance with these Regulations.

10. A permit to import, export or re-export a pest control product under these Regulations shall be in the prescribed format.