

(Legislative Supplement No. 39)

LEGAL NOTICE NO. 123

## THE PEST CONTROL PRODUCTS ACT

(Cap. 346)

IN EXERCISE of the powers conferred by section 15 of the Pest Control Products Act, the Minister for Agriculture, makes the following Regulations:—

THE PEST CONTROL PRODUCTS (REGISTRATION)  
(AMENDMENT) REGULATIONS, 2006

1. These Regulations may be cited as the Pest Control Products (Registration) (Amendment) Regulations, 2006.

2. The Pest Control Products (Registration) regulations, 1984 (hereinafter referred as the “principal Regulations”) are amended in Regulation 2 by inserting the following new definitions in their alphabetical sequence—

L.N. 46/1984.

L.N.109/1984.

“accredited scientists/institution” means a person or an institution that has been officially recognized by the Board as having the capacity and competence to undertake biological efficacy trials.

“biochemical pesticide” means a pest control product whose active ingredient constitutes a chemical derived from naturally occurring plant or animal intended to control invertebrate pests.

“experimental permit” means a permit issued by the Board for small quantity of a pest control product imported or produced locally for purposes of research and efficacy trials prior to consideration for registration.

“microbial and macrobial biopesticide” means a pest control product of naturally occurring micro-organisms (microbiological agents viruses and rickettsia; bacteria, protozoa, fungi,) and macro-organisms (macro biological agents such as predators, parasitoids and entomopathogenic nematodes ), respectively intended for the control of invertebrate pests weeds, pathogens of crops, and pests of livestock and public health and to which effects of the pest control products or active agent are attributed but does not include a component that by itself is not primarily responsible for the control effect of the pest control product or genetically modified living micro-organism and macro-organism.

3. The Pest Control Products (Registration), Regulations herein referred to as principal Regulations are amended in Regulation 3 by inserting a new regulation 3A—

- (a) by deleting the words “formulating, and packaging” and substituting the words “ formulating packaging and storing” therefor;
  - (b) by inserting a new sub-paragraph (b) as follows—
    - “(b) premises licensed under these Regulations shall ensure that the products are packaged and labeled as required by the provisions of this Act and the Regulations and shall keep stock records for a minimum of five years”;
  - (c) by renumbering paragraph (b) as paragraph (c) and by inserting the following after the word premises—
    - “ to the satisfaction of the Board”;
  - (d) by inserting a new paragraph (d) as follows—
    - “(d) premises licensed under these Regulations shall provide adequate water and general cleanliness to facilitate safe dispensing of the products; ensure physical separation of pest control products stores from food stores and keep stock records for all pest control products in the premises”.
7. The principal Regulations are amended by inserting a new regulation 8 as follows—
- “8 (1) Any person who intends to handle, use, distribute, transport or deal in a Pest Control Product under restricted class shall apply to the Board for a permit in the prescribed Form D in the Schedule.
  - (2) No person shall handle, use, distribute, transport or deal in a Pest Control Product under restricted class without a permit from the Board in the prescribed Form E in the Schedule”.
8. The principal Regulations are amended in the First Schedule by deleting Form A and substituting the new Form A therefor.
9. The principal Regulations are amended in the Schedule by deleting Form B and substituting the new Form B therefor .

## FORM A

## THE PEST CONTROL PRODUCTS ACT

(Cap. 346)

THE PEST CONTROL PRODUCTS (LICENSING OF PREMISES  
AND BUSINESS) (AMENDMENT) REGULATIONS, 2006**APPLICATION FOR A LICENCE**

The Managing Director  
Pest Control Products Board  
Waiyaki Way  
P.O. Box 13794-00800, Westlands  
NAIROBI

1. Name and address of applicant/s.....  
.....
  2. Name and address of person, firm or company to be issued with  
licence.....  
.....
  3. Full names of partners and/or directors (where applicable) .....
  4. Nature of occupation for which a licence is required.....
  5. Owner of premises .....
  6. Plot No..... L.R. No.....
  7. Location ..... Road/Street.....
  8. Town..... District.....
  9. General business postal address . .....
  10. Name and qualifications of the person under whom  
processing/trading will be undertaken .....
- Fee paid..... Date .....
- Date ..... Signature of applicant.....

FORM B

THE PEST CONTROL PRODUCTS ACT  
(Cap. 346)

THE PEST CONTROL PRODUCTS (LICENSING OF PREMISES  
AND BUSINESS) (AMENDMENT) REGULATIONS, 2006

Receipt No..... Licence No. ....

This licence is granted to.....  
.....

to display/retail/wholesale/distribute/store/package/manufacture/  
formulate/pest control products at Plot L.R. No.....

Situated at.....  
.....

.....  
*Managing Director,*  
*Pest Control Products Board*

.....  
*Inspector,*  
*Pest Control Products Board*

Date ..... Date .....

This licence is not transferable to any other person without the approval  
of the Board.

***THIS LICENCE IS NOT TRANSFERABLE TO ANY OTHER  
PREMISES.***

## FORM C

**THE PEST CONTROL PRODUCTS ACT**  
(Cap. 346)

**THE PEST CONTROL PRODUCTS (LICENSING OF PREMISES  
AND BUSINESS) (AMENDMENT) REGULATIONS, 2006**

**A. Inspection of Premises**

During inspection of pest control products premises, the following items shall be examined and comments made in order that the correct action can be taken with regard to licensing. A copy of the inspection report shall be left with the owner or the person in charge of the premises. The original shall be returned to the Pest Control Products Board.

1. Name and Address of Applicant/Business.....
2. Nature of Business.....
3. Location of Premises .....
4. L.R. No. /Plot No. ....

**B. Specific Requirements**

	ITEM	COMPLIANCE WITH REQUIREMENTS		INSPECTOR'S RECOMMENDATION TO OWNER
		YES	NO	
	<b>PHYSICAL FACILITIES</b>			
1.	Suitable design, layout and construction			
2.	Sufficient space			
	<b>PROTECTION FOR WORKERS</b>			
3.	Separate areas for workers who are not handling pesticides			
4.	Protective clothing			
5.	First-Aid Box /Antidotes			
6.	Fire Extinguisher			
7.	Adequate water within premises			
8.	Floors – smooth concrete			
9.	Storage and stacking of containers			
10.	Aeration			

11.	Sawdust and sumps for disposal of spills			
12.	General Cleanliness			
<b>PROTECTION OF THE PUBLIC AND MAINTENANCE OF PRODUCT EFFICACY</b>				
13.	Physical separation of food and feeds from pesticide			
14.	All products must be labelled as required by Law			
15.	All labels should show date of manufacture and shelf life			
16.	Stock records kept			
17.	Dustbin for disposal			
18.	Qualified operators for manufacturing and formulating premises			
19.	Qualified operators for store and dispensing premises			

*C. General Recommendations*

I certify that I have inspected the premises described above and it is my considered opinion that a licence should/should not be issued/withdrawn for the premises.

The following defects should be rectified (specify items by numbers).

.....  
 .....

1. .... <i>Signature of Inspector</i>	1. .... <i>Signature of Inspector</i>
2. .... <i>Name of Inspector</i>	2. .... <i>Name of Inspector</i>

## FORM D

## THE PEST CONTROL PRODUCTS ACT

(Cap. 346)

THE PEST CONTROL PRODUCTS (LICENSING OF PREMISES  
AND BUSINESS) (AMENDMENT) REGULATIONS, 2006**APPLICATION FOR PERMIT TO DEAL IN PEST CONTROL  
PRODUCTS UNDER RESTRICTED CLASS**

Name and address of applicant .....

.....

Status and address of applicant (Manufacturer, Agent, Registrant,  
Distributor, User).....

.....

Name and address of registrant of pest control product .....

.....

Trade name, Formulation, Concentration .....

Registration No. ....

Target pest/diseases .....

Package type .....

Quantity .....

Signature of applicant .....

Date .....

FORM E

THE PEST CONTROL PRODUCTS ACT

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PERMIT NO. ....

THE PEST CONTROL PRODUCTS (LICENSING OF PREMISES  
AND BUSINESS) (AMENDMENT) REGULATIONS, 2006

**PERMIT TO DEAL IN PEST CONTROL PRODUCTS UNDER  
RESTRICTED CLASS**

This permit is granted to .....

To sell/store/transport/use product .....

Registration Number ..... At plot number .....

L.R. No. .... Situated.....

..... Date .....

*Managing Director*  
*Pest Control Products Board*

Made on the 6th September, 2006.

KIPRUTO ARAP KIRWA,  
*Minister for Agriculture.*