

Pesticide Regulations, 1977

IT is hereby notified that the Minister of Agriculture has, in terms of section 21 of the Fertilizers, Farm Feeds and Remedies Act [Chapter 111], made the following regulations: —

Title

1. These regulations may be cited as the **Pesticide Regulations, 1977**.

Interpretation of terms

2. In these regulations—

“active ingredient” means the substance in a pesticide which—

- (a) prevents the establishment of, or controls or destroys, plants or insects, or which prevents or cures a disease, infestation or other unhealthy conditions of a plant or a product derived therefrom; or
- (b) stimulates or retards the rate of plant growth;

“common name”, in relation to an active ingredient, means the name accepted by a registering officer as being internationally recognized as the common name of the active ingredient;

“experimental pesticide” means a chemical to be assessed in Rhodesia for primary biological activity as a pesticide, and not available to the public as a pesticide;

“pesticide” means a formulation containing an active ingredient, and includes fungicides, insecticides, nematocides, acaricides, avicides, herbicides, arboricides, bactericides, molluscicides, rodenticides, any substance which is used for the control of virus disease of plants and any substance which is used to retard or stimulate the growth of plants, but excludes substances which are intended for plant nutrition or for veterinary remedies and preparations;

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“recognized research institution” means a research institution recognized by the Minister as competent to carry out research into pesticide use.

Registration

3. (1) No pesticide may be sold unless it is registered in terms of these regulations.

(2) No unregistered pesticide shall be imported except with the written consent of a registering officer.

(3) Every application for registration of a pesticide shall be submitted, in triplicate, to a registering officer in the form P.1, prescribed in the First Schedule.

(4) Every application shall be—

(a) accompanied by three copies of the text of the label which is intended for use on the container in which the pesticide is to be sold; and

(b) accompanied by two samples of the pesticide, in an amount to be determined by the registering officer, if he considers it necessary.

(5) An application for the renewal of a registration of a pesticide shall be submitted, in triplicate, to a registering officer in the form P.2, prescribed in the First Schedule, not later than the third anniversary of the date of such registration, and thereafter triennially.

(6) Every registration of a pesticide and renewal of such registration shall be valid for a period of three years, unless cancelled earlier in terms of the Act.

(7) A registering officer shall consider an application for registration or for the renewal of registration in respect of a pesticide manufactured outside Rhodesia only if the application is submitted through a representative who carries on business in Rhodesia.

(8) No application for registration or for renewal of registration shall be considered by a registering officer unless—

(a) it complies with the requirements of these regulations; and

- (b) the applicant furnishes the registering officer with such further information as may be required to determine whether the pesticide is suitable and sufficiently effective for the purpose for which it is intended.

(9) A registering officer shall, on registering or renewing the registration of a pesticide—

- (a) issue a certificate of registration or renewal of registration, as the case may be; and
- (b) forward the certificate to the applicant.

(10) Registration shall be completed only on receipt by a registering officer of the printed copy of the approved label or a facsimile thereof.

(11) A registration certificate shall apply only to the pesticide to which the certificate relates.

(12) No pesticide which has been registered may be altered in any way so as to change its formulation, composition or usage, or in any other manner whatsoever, unless a registering officer so agrees.

Conditions

4. A registering officer, on registering a pesticide, may, on the registration certificate, impose such conditions as he thinks fit.

Experimentation

5. (1) No person shall import into Rhodesia any experimental pesticide unless he is authorized, in writing, by a registering officer to do so.

(2) Any person who imports an experimental pesticide shall, not later than seven days after the arrival of the pesticide in Rhodesia, complete, in triplicate, and forward to a registering officer the form P.3, prescribed in the First Schedule:

Provided that, where an experimental pesticide is imported by a recognized research institution, it shall, if a registering officer so permits, be sufficient for the recognized research institution to supply the registering officer with the name or designation only of the experimental pesticide.

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(3) No experimental pesticide shall be offered to any person other than a person approved by a registering officer to participate in the experimentation.

(4) In granting permission to import an experimental pesticide in terms of subsection (1), a registering officer may impose such conditions as he deems necessary with regard to the experimentation with the pesticide.

(5) It shall be a condition for the importation of experimental pesticides that plants treated with experimental pesticides shall not be sold or disposed of for consumption without the written authority of a registering officer.

(6) The label affixed to a container in which a pesticide is imported for purposes other than sale shall be clearly marked or printed with the words "FOR EXPERIMENTAL PURPOSES ONLY—NOT FOR SALE".

Appeals

6. An applicant who wishes to appeal against a decision of a registering officer in terms of section 7 of the Act shall—

- (a) request the registering officer, in writing, for his reasons for refusing the application, imposing conditions or cancelling the registration, as the case may be, and the registering officer shall, within fourteen days of the receipt of the request, furnish the applicant, in writing, with his reasons; and
- (b) within fifty-six days of being notified of the refusal, imposition of conditions or cancellation, as the case may be, appeal, in writing, against the decision of the registering officer to the Minister.

Approval of brands

7. (1) Subject to the provisions of subsection (2), a registering officer shall, before registering any brand, consult the Registrar of Trade Marks, and satisfy himself that the name of the brand does not resemble the name of any other brand of any nature whatsoever.

(2) A pesticide shall not be registered under a brand if, in the opinion of a registering officer, the brand is—

- (a) of an insufficiently distinctive nature; or
- (b) so similar to a brand under which a pesticide has already been registered as to be liable to be mistaken for the other brand.

Labelling

8. (1) No person shall sell any pesticide unless the label is securely affixed to the container, and clearly and indelibly marked in English and, where a registering officer considers appropriate, in an African language:

Provided that, if an African language is used, an accurate translation shall be lodged at the time of registration with the registering officer.

(2) The label, which shall be identical in all respects to that approved by a registering officer in terms of section 3, shall state—

- (a) the company brand or symbol; and
- (b) the brand name of the pesticide; and
- (c) the registration number under which the pesticide is registered; and
- (d) the net quantity by mass or volume in the container; and
- (e) the common name, the chemical group and the percentage, on a mass-by-mass or mass-by-volume basis, of each active ingredient in the pesticide:

Provided that a registering officer may dispense with this requirement if he considers that it is expedient to do so in relation to any pesticide; and

- (f) the purposes for which the pesticide has been registered; and
- (g) the directions for use of the pesticide; and
- (h) the precautionary measures to be observed in handling, storing and using the pesticide; and
- (i) appropriate warnings with regard to the poisonous nature of the pesticide; and
- (j) the symptoms of poisoning, where applicable; and

- (k) the remedial treatment in the case of poisoning, where applicable; and
 - (l) any other information which a registering officer may approve or consider to be necessary.
- (3) Pesticides transported within the borders of Rhodesia to premises where they are further processed, packed or repacked for the retail trade shall be clearly and indelibly marked with the particulars prescribed in paragraphs (a), (b), (c), (d), (e), (h), (i), (j), (k) and (l) of subsection (2).
- (4) An equilateral triangle shall be printed on, or securely affixed to, the label, in a colour approved by a registering officer, which triangle shall occupy an area of not less than one-twentieth of the area of the label.
- (5) The triangle of approved colour shall be located on the label in a position directly below the brand name of the pesticide, and the composition and registered number of the pesticide and the net mass or volume of the container shall appear directly above or below the triangle, which shall be delineated from the rest of the label by a black border or a black border on a white background to emphasize the approved colour.
- (6) No detail other than the composition and registered number of the pesticide and the net mass or volume of the container shall appear in a position between the brand name of the pesticide and the triangle of approved colour.
- (7) In the triangle of approved colour, there shall be printed such information, marks or symbols as a registering officer thinks necessary to denote toxicity.
- (8) The triangle of approved colour shall be coloured—
- (a) in the case of extremely poisonous substances, purple;
 - (b) in the case of very poisonous substances, red;
 - (c) in the case of poisonous substances, amber;
 - (d) in the case of substances not referred to in paragraphs (a), (b) and (c), green.
- (9) Except with the permission of a registering officer, no label shall contain any information or matter other than that provided for in this section.

(10) No label, once it has been approved by a registering officer, shall be altered in any manner whatsoever without the written approval of the registering officer.

Containers

9. (1) No pesticide may be sold, transported or stored unless a registering officer is satisfied that the container in which the pesticide is to be packed is of sufficiently durable construction and material.

(2) A container which contains any combustible substance shall be of metal, glass or other non-combustible material.

(3) Pesticides which contain toxic or inflammable volatile ingredients shall be packed in durable, airtight containers.

Guarantee

10. Any representation or claim on a label concerning the chemical composition or the chemical and physical properties of a pesticide shall constitute a guarantee by the applicant of that pesticide for its chemical composition and its chemical and physical properties within the limits of five per centum variation of the stated figure.

Advertisements

11. (1) No person shall, in an advertisement of a pesticide—

- (a) state, imply or infer that the Government has guaranteed or approved the efficacy of the pesticide:

Provided that nothing shall prohibit the use, in an advertisement, of the words "Registered in terms of the Fertilizers, Farm Feeds and Remedies Act [Chapter III]"; or

- (b) make or insinuate any claim in respect of such pesticide, other than a claim approved by a registering officer.

Repeals

12. The regulations specified in the Second Schedule are repealed.

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FIRST SCHEDULE (Section 3)

Form P.1

FERTILIZERS, FARM FEEDS AND REMEDIES ACT [CHAPTER 111]

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APPLICATION FOR REGISTRATION OF A PESTICIDE

(to be submitted to the registering officer, in triplicate)

PART I

- A. To be completed for all pesticides for which registration is sought.
1. Name of applicant
 2. Address of applicant—
 - (a) postal
 - (b) business
 3. Type of pesticide (fungicide, insecticide, etc.)
- B. Information to be submitted with this application for all pesticides for which registration is sought:
1. Brand name
 2. Full chemical name of each active ingredient
 3. The common name of each active ingredient
 4. The empirical and structural formulae for each active ingredient
 5. Proposed formulation
 6. Percentage, on mass-by-mass or mass-by-volume basis, of each ingredient in the pesticide
 7. Physical and chemical properties of each active ingredient
 8. Physical properties of formulations containing oils

9. Physical properties of formulations of dusts or granules
10. Size of containers in which pesticide is to be sold, and net mass
11. Nature of containers in which pesticide is to be sold
12. Stability of formulation—
 - (a) on storage
 - (b) on dilution
13. Corrosion of equipment
14. Phytotoxicity
15. Toxicology
16. Safety precautions to be observed in handling, using and storage
17. Hazards to wild life
18. Residue data
19. Proposed use
20. Directions for use
21. Methods of analysis

I hereby apply for the registration, in terms of the Fertilizers, Farm Feeds and Remedies Act [*Chapter III*], of the pesticide particulars of which are given above, and I certify that these particulars are, to the best of my knowledge, true and correct.

Date Signature of applicant

Note.—The detailed information required in section B must accompany the application. Any claims made for biological effectiveness and statements made respecting residues must be supported by detailed relevant experimental data.

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PART II

CERTIFICATE OF REGISTRATION OF A PESTICIDE

Number

I hereby—

- (a) certify that the pesticide referred to in Part I has been registered;
(b) approve the labels, copies of which are attached hereto, and which are to be used in connexion with the said pesticide.

This registration expires on
and is subject to the following conditions:

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Date

Registering officer

Form P.2

FERTILIZERS, FARM FEEDS AND REMEDIES ACT [CHAPTER III]

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APPLICATION FOR RENEWAL OF REGISTRATION OF A
PESTICIDE

(to be submitted to the registering officer, in triplicate)

PART I

1. Name of applicant
2. Address of applicant
3. Brand name

Name of pesticide	Date of existing registration	Number of certificate of registration
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.....

Period for which renewal of registration is applied for:
from the, 19..... to the, 19.....

I certify that the composition and formulation of the pesticide(s) referred to above have not been changed since the date upon which application for registration was made.

Date Signature

PART II
(for official use only)

Number

I hereby certify that the pesticide referred to in Part I has been registered, subject to the following conditions:

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Date, 19.....
Registering officer

Form P.3

FERTILIZERS, FARM FEEDS AND REMEDIES ACT [CHAPTER 111]
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Information to be Submitted, in Triplicate, to the Registering Officer in
Respect of Experimental Pesticides

1. Name of applicant
2. Address of applicant—
 - (a) postal
 - (b) business
3. Code name or number of pesticide
4. Type of pesticide (fungicide, insecticide, etc.)
5. Chemical group
6. Toxological data, if available—
 - (a) humans and animals

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- (b) symptoms of poisoning
- (c) first aid
- 7 Mass or volume of pesticide imported
8. Suggested use
9. Location of trials
10. Plot-size
11. Person conducting the trials
- Date Signature of applicant

SECOND SCHEDULE (Section 12)

REPEALS

<i>Title</i>	<i>Rhodesia Government Notice No.</i>
Pesticide Regulations, 1971	241 of 1971
As corrected by—	304 of 1971
Pesticide (Amendment) Regulations, 1973 (No. 1) .	1150 of 1973
Pesticide (Amendment) Regulations, 1974 (No. 2) .	190 of 1974
Pesticide (Amendment) Regulations, 1975 (No. 3) .	763 of 1975

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