

**LAWS OF FIJI**

**CHAPTER 157**

**PESTICIDES**

*Acts Nos. 41 of 1971, 32 of 1976*

**AN ACT TO REGULATE THE REGISTRATION AND SALE OF PESTICIDES**

[1st April, 1972.]

*Short title*

1. This Act may be cited as the Pesticides Act.

*Interpretation*

2. In this Act, unless the context otherwise requires—

"adjuvant" means any product intended for use or used as an aid to the application or effectiveness of a pesticide and, includes stickers, spreaders, emulsifying agents and synergists;

"crops" includes trees;

"Director" means the Director of Agriculture;

"pest" means any insect, rodent, bird, fish, mollusc, nematode, fungus, weed, micro-organism, virus or any other kind of plant or animal life which is injurious, troublesome or undesirable to crops and stores products;

"pesticide" means any product intended for use or used for controlling a pest, or any adjuvant intended for use or used in connexion with any such product;

"Register" means the Register of Pesticides;

"Registrar" means the Registrar of Pesticides.

*Register of Pesticides*

- 3.—(1) The Registrar shall keep a Register of Pesticides, in which shall be entered the trade name of all registered pesticides, their chemical names and percentages of active ingredients or acid equivalents as appropriate, the name and place of business of the manufacturer and the name and place of business of the importer.

- (2) Every pesticide entered in the Register shall be given a number to be known as the registered number.

- (3) The Director or such other person as the Minister may appoint shall be the Registrar of

Pesticides.

*(Amended by 32 of 1976, s. 2.)*

*Registration*

**4.** No pesticide may be used, offered for sale or sold in Fiji unless such pesticide has been registered with the Registrar.

*Powers of Registrar*

**5.**—(1) Upon application being made for registration of a pesticide, the Registrar may in his discretion—

(a) register the pesticide with or without conditions; or

(b) refuse registration of the pesticide and shall, if requested by the manufacturer, state the reasons for refusal.

(2) The Registrar may at any time require a change in the label on any container of pesticide offered for sale.

(3) No change in the formulation of any registered pesticide may be made without prior application to the Registrar who may require a fresh application for registration to be made. Any such application shall be dealt with as if it were an entirely new application.

(4) No change in an approved label may be made without the prior approval of the Registrar.

*Publication*

**6.** The Registrar shall cause the trade name, chemical identity of the active ingredients, the name of the manufacturers and the registered number of any pesticide registered under this Act to be published in the Gazette as soon as practicable after registration.

*Cancellation of registration*

**7.**—(1) Every registration made under this Act shall remain in force until such time as the Registrar shall direct that it be cancelled, which he may do upon giving written notice to the holder of the registration and publishing notice of his intention to cancel such registration.

(2) Such notice shall be served on the holder of the registration and published in the Gazette not less than six calendar months prior to the proposed date of cancellation unless, in the opinion of the Registrar, special circumstances exist to require earlier cancellation.

*Objection*

**8.** In the event of notice being given under section 7 the holder of a registration may lodge an objection in writing to the Minister within one calendar month of the date of service of such notice upon him and the Minister may uphold or reject such objection or prescribe a fresh date upon which registration shall be cancelled.

### *Repacking*

**9.** Every pesticide shall be sold in its original container except with the prior written permission of the Registrar, and in accordance with any written instructions given by the Registrar.

### *Offences*

**10.** Any person who contravenes any of the provisions of sections **4**, **5** or **9** or of the regulations made under this Act shall be guilty of an offence and shall be liable on conviction to have any registration held by him cancelled and to a fine not exceeding two hundred dollars and in the case of a continuing offence to a further fine not exceeding ten dollars for every day during which the offence has continued.

*(Amended by 32 of 1976, s. 3.)*

### *Appointment and powers of inspectors*

**11.—(1)** The Minister may appoint persons to be pesticides inspectors, and any person appointed by the Minister as a pesticides inspector may, for the purposes of enforcing the provisions of this Act—

(a) enter any shop, factory, warehouse or other building or place and inspect and take samples or copies, as the case may be, of any pesticides and the containers, labels, records and books of account relating thereto or to any transactions in connection therewith;

(b) where he suspects that any offence has been committed, take into his custody the pesticides, containers, labels, records and books of account, together with any other evidence of any such suspected contravention of any of the provisions of section **4**, **5** or **9** or of the regulations made hereunder;

(c) institute, prosecute and conduct any legal proceedings arising under this Act even though he is not a qualified barrister and solicitor.

(2) Any person who refuses to permit any pesticide inspector to enter any premises or hinders him in the course of searching the premises or in the course of otherwise executing his duties shall be guilty of an offence and shall be liable to a fine not exceeding two hundred dollars. *(Section inserted by 32 of 1976, s. 4.)*

### *Regulations*

**12.** The Minister may make regulations for the purpose of carrying out the provisions of this Act and in particular, without prejudice to the generality of the foregoing, for—

(a) prescribing forms to be used;

(b) prohibiting or controlling the use of any pesticide;

(c) prescribing any other matter which may be desirable or expedient for the better regulation and control of the sale of pesticides.

*Controlled by Ministry of Agriculture and Fisheries*

**Subsidiary Legislation**

**CHAPTER 157**

**PESTICIDES**

**SECTION 12—PESTICIDES REGULATIONS**

*Regulations 10th Sep., 1971, 7th Nov. 1972*

*Made by the Minister*

*Short title*

1. These Regulations may be cited as the Pesticides Regulations.

*Interpretation*

2. In these Regulations, unless the context otherwise requires—

"appropriate form" means a form approved by the Minister for use in any particular case pursuant to the provisions of these Regulations.

*Registration of pesticides*

3.—(1) The Register shall be in the appropriate form.

(2) Every importer or person formulating a pesticide shall apply for registration of such pesticide on the appropriate form and shall at the same time furnish—

(a) adequate toxicological data in respect of the formulated compound of the pesticide;

(b) methods of analysis of the formulated compound of the pesticide;

(c) methods for determination of the residues of the formulated compound of the pesticide;

(d) a draft of the label which it is proposed shall be used in connexion with the sale of the pesticide:

Provided that it shall not be necessary to provide individual drafts of labels for different sizes of container;

(e) such other information as the Registrar may require.

(3) Notwithstanding the provisions of paragraph (2), if the Director is satisfied that a

pesticide will be used solely for experimental purposes, he may, at his discretion waive all or any of the requirements of that paragraph.

### *Labels*

4.—(1) Every container of a pesticide sold, offered for sale or used shall bear a label containing the following particulars:—

(a) the trade name of the pesticide;

(b) the net weight or volume of the pesticide;

(c) directions for use including the use for which the pesticide is recommended;

(d) the chemical names and percentages of active ingredients or acid equivalents as appropriate;

(e) a warning and cautionary statement in respect of the safe use and storage of the pesticide including, where appropriate, directions as to protective clothing to be used when handling such pesticide and the minimum time before harvest for final application;

(f) directions as to the steps to be taken in case of accidental poisoning, with details of the appropriate antidote and also directions for use;

(g) the name and place of business of the manufacturer of the pesticide;

(h) the name and place of business of the importer of the pesticide;

(i) a statement to the effect that the pesticide is registered under the Act, and giving its registered number.

(2) All particulars required upon labels pursuant to the provisions of sub-paragraphs (e) and (f) of paragraph (1) shall be printed in English, Fijian and Hindustani.

(3) Notwithstanding the provisions of paragraph (1), the Director may, at his discretion waive, in respect of any pesticide, all or any of the requirements of paragraph (1) or (2).

*(Amended by Regulations 7th November, 1972.)*

*Controlled by Ministry of Agriculture and Fisheries*