

In the Name of Allah, the Gracious, the Merciful

The Pesticides and Pests Control Products Act, 1994

Be it hereby passed, by the Transitional National Assembly, and assented to, by the President of the Republic, in accordance with the provisions of the 5th Constitutional Decree, 1991, the following Act :-

Chapter I

Preliminary Provisions

Title and commencement

1. This Act may be cited as the, "Pesticides and Pests Control Products Act, 1994", and shall come into force, as from the date of signature.

Repeal and saving

2. The Pesticides Act, 1974 shall be repealed; provided that the repeal thereof shall not entail revocation of the regulations, made under the provisions of the same, and the said regulations shall remain in force, as if they have been made under the provisions of this Act and be amended, or revoked in accordance therewith.

Interpretation

3. In this Act, unless the context otherwise requires, :-
"Council", means the Pesticides and Pests Control Products National Council, constituted, under the provisions of section 4(1);
"Minister", means the Minister of Agriculture, Natural Resources and Animal Wealth;

"Registrar",

means the person mentioned in section 4(4);

"Pests",

mean any being harmful to man, animals, plants or the environment, or which may cause annoyance to man, or animals, and include rodents, birds, weeds, insects, bacteria, fungi, ticks, spiders, nematodes and any other forms of plant, or animal life, to which such description may apply;

"Pesticides and pests control products",

mean any living being, substance, product, means, or any thing offered for sale, or use as a direct, or indirect means to destroy, or control pests, or as a protection against, attract or repel the same, and include any of the following things, namely any :-

- (a) active substance used for manufacturing pesticides and pests control products;
- (b) mixture of substances specified for defoliating plants, preventing fruit shedding and simulating plant growth;
- (c) compound intended to increase the physical, or chemical characteristics of the active substance used for pests control, upon adding; or changing the same.

Chapter II
The Council

Establishment and Constitution of the Council

- 4.(1) There shall be established a council, to be known as the, "Pesticides and Pests Control Products National Council".
- (2) The quarters of the same shall be at the Ministry of Agriculture, Natural Resources and Animal Wealth.
- (3) The Council shall be constituted, by a decision, to be issued by the Council of Ministers, upon the recommendation of the Minister, as follows :-
- (a) the First Under-Secretary of the Ministry of Agriculture, Natural Resources and Animal Wealth, Chairman;
 - (b) the Director-General of the Plant Protection Administration, member and rapporteur;
 - (c) the General Manager of the Agricultural Research Corporation, member;
 - (d) the National Co-ordinator of Botany Research, at the Agricultural Research Corporation, member;
 - (e) the National Co-ordinator of Entomology Research, at the Agricultural Research Corporation, member;
 - (f) Specialist of the Pesticides Laboratories, at the Plant Protection Administration, member;
 - (g) Toxicologist, at the Agricultural Research Corporation, member;
 - (h) Pesticides Specialist, Faculty of Agriculture, University of Khartoum, member;
 - (i) the legal counsel, at the Ministry of Agriculture, member;
 - (j) the director-General of the Plant protection, at the Gezira Scheme, member;

- (k) the representative of Occupational Health, Ministry of Health, member;
 - (l) the representative of the National Chemical Laboratories, Ministry of Health, member;
 - (m) the representative of Environmental Health, Ministry of Health, member;
 - (n) the representative of Pharmacology Administration, Ministry of Health, member;
 - (o) the representative of the National Research Centre, Ministry of Instruction, Education and Scientific Research, member;
 - (p) the representative of the Environmental Studies, University of Khartoum, member;
 - (q) the representative of the Customs General Administration, Ministry of Interior, member;
 - (r) the representative of the Civil Defense Administration, Ministry of Interior, member;
 - (s) two persons from those possessed of experience, appointed by the Minister of Agriculture, members.
- (4) The Director-General of the Plant Protection Administration shall be the registrar of Pesticides and Pests Control Products, the rapporteur of the Council, and shall manage all the administrative business of the Council.

Functions and powers of the Council

- 5.(1) The Council shall have the following functions and powers, namely to :-
- (a) establish the register pertaining to pesticides and pests control products ;

- (b) examine pesticides and pests control products, and evaluate the same;
- (c) approve the recommendations of the technical committees, concerning the results of the agricultural and health tests of pesticides and pests control products;
- (d) register pesticides and pests control products, re-register or strike the same off, in accordance with the regulations, made under the provisions of this Act;
- (e) license the manufacture, processing and trade in pesticides and pests control products, or revoke the licence, in accordance with the regulations, made under the provisions of this Act;
- (f) license the import of pesticides and pests control products, and export thereof;
- (g) monitor the disposal of the surplus of pesticides and pests control products, and the receptacles of the same, in accordance with the regulations, made under the provisions of this Act, or any other law;
- (h) prohibit and restrict the use of pesticides and pests control products;
- (i) establish an organ for inspection, control, analysis, and supervise, and organize the business thereof, in accordance with the regulations, made under the provisions of this Act.

(2) The Council may constitute specialized committees, from the members thereof, or from those possessed of competence and efficiency, from non-members, for the study of any matters, submitted thereby thereto, and submit recommendations to the same.

- (3) The Council may delegate, to the Registrar, all, or part of the powers thereof, either for the conduct of a particular work, or management of some business, as may require expedient settlement, according to the nature thereof, or as to the circumstances, and surroundings of the same; provided that he shall furnish the Council with a report, on the business and decisions adopted thereby, at the first subsequent meeting held by the Council.
- (4) The Council may establish councils for pesticides and pests control products, in the states, and grant them some of the functions and powers thereof.

Meetings of the Council

- 6.(1) The Council shall hold periodical meetings, every two months, and may hold emergent meetings, upon call of the Chairman of the Council, or upon the request of two-thirds of the members.
- (2) Meetings of the Council shall be presided by the Chairman thereof; and in case of absence of the Chairman, the members shall elect a person, from inside the meetings, to preside such meeting.
- (3) The quorum, for meetings of the Council, shall be constituted by the attendance of half the members, including the Chairman.
- (4) The Council may call, to the meetings thereof, any person, from those possessed of efficiency, as they may deem benefiting, from his experience fit; provided that such person shall not be entitled to vote.
- (5) Decisions of the Council shall be adopted by the majority of members; and in case of equality of votes, the Chairman shall have a casting vote. Voting may be secret, or open.
- (6) Deliberations of the Council shall be secret, and shall not be declared, or disclosed, in any circumstance.

Chapter III
Final Provisions
Some business prohibited

7.(1) No person shall :-

- (a) manufacture, store, transfer, distribute, use or advertise any of the pesticides and pests control products, save in accordance with the provisions of the regulations, made under the provisions of this Act;
 - (b) place any label, on any of the pesticides and pests control products, in such way, as may be misleading, or as a false impression may be engendered thereby, on the characteristics, composition or safety of use thereof;
 - (c) circulate any of the bad, or adulterated pesticides and pests control products;
 - (d) import, to the Sudan, or sell therein, any of the pesticides, or pests control products, unless the same are registered, packed and bear the label, provided for in the regulations, made under the provisions of this Act .
- (2) No registration of a pesticide, or pests control product, for use in the Sudan , shall be legal defense, in case of occurrence of any injury, as may not be expected to occur, as to such tests, as may have been conducted thereon, before registration thereof.

Sale of adulterated and bad pesticides and pests control
products prohibited

8.(1) Every pesticide, or product for pests control shall be deemed as adulterated, where :-

- (a) there has been added to, or abstracted, from the same, another substance, or any of the elements thereof has been reduced, such as to lessen its quality, affect the type, or nature of the same, as may be specified in the specifications, prescribed by the regulations, made under the provisions of this Act;
- (b) the label affixed thereto is inconsistent with the fact of its formation, composition, origin, age or place of manufacture thereof.
- (2) Every pesticide, or product for pests control shall be deemed as bad, where the formation thereof has changed, or the chemical, physical or animal characteristics have changed totally or partially, to such extent, as may render the same unfit for pests control, or constitute an additional danger to human, or animal health, or the environment.

Contraventions and penalties

9. Every person, who commits any contravention of the provisions of this Act, or the regulations made thereunder, shall be punished, with imprisonment, for a term, not exceeding three months, or with fine, not less than twenty thousand pounds, or with both.

Making regulations

10. The Minister, after consultation with the Council, may make such regulations, as may be necessary for the implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include the following matters, namely to :-

- (a) lay down schedules, for pesticides and pests control products, and the degree of toxicity and danger thereof;

- (b) register pesticides and pests control products;
- (c) prepare and compose pesticides and pests control products;
- (d) organize :
 - (i) circulation and use of pesticides and pests control products, and the same includes transfer and storage of pesticides and pests control products;
 - (ii) the way of examining and supervising pesticides and pests control products;
- (e) trade in pesticides and pests control products;
- (f) protect those working in the field of pesticides and pests control products, from the dangers thereof;
- (g) inspect the places of sale, storage and use of pesticides and pests control products;
- (h) levy the fees, pertaining to the business of the Council , upon approval of the Minister of Finance.