



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1173 of 19th April 2000
LEGISLATION

ORDINANCE 3 OF 2000

AN ORDINANCE
TO REGULATE THE SALE OF AGRICULTURAL
PESTICIDES IN THE SOVEREIGN BASE AREAS

A. I. RAMSAY
ADMINISTRATOR

6th April 2000.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

1. This Ordinance may be cited as the Agricultural Pesticides Ordinance 2000.

Short title.

2. In this Ordinance, unless the context otherwise requires -

Interpretation.

“active ingredient” or “active substance” means the ingredient or substance in the agricultural pesticide that acts on diseases or pests and any other substance which may be designated as an active ingredient by the Chief Officer, if in his opinion it sufficiently increases the effectiveness of the pesticide;

“advertise” means to make known by notice, circular, label, wrapper or other document, and includes any announcement made orally or by any means of producing or transmitting light or sound;

“agricultural pesticide” means any substance used as a means of preventing, reducing, controlling or suppressing directly or indirectly any plant disease or pest and includes insecticides, nematocides, fungicides, bactericides, herbicides, rodenticides, molluscicides, plant regulators, dessicants, defoliants, attractants, repellants, sterilants, fumigants, synergists, wetting agents, adjuvants and any other substance which may be designated as an agricultural pesticide by the Chief Officer, irrespective of whether it can be used for agricultural, domestic or environmental protection purposes;

“disease and pest” means insects, mites, spiders, nematodes, fungi, bacteria, viruses, weeds, rodents and includes any other species which is harmful, infectious or troublesome to plant or animal life;

“ingredient” means any matter or substance used in the production of an agricultural pesticide;

“Inspector” means a person appointed under subsection (1) of section 14;

“package” means the container in which a designated agricultural pesticide is offered for sale;

“prescribed” means prescribed by regulations made under this Ordinance;

“proprietary name” means the trade name used for an agricultural pesticide by its manufacturer, importer or distributor;

“quality control” means the qualitative and quantitative determination of the active and/or inert ingredients and of other ingredients which may be by-products in the composition or decomposition of the active ingredients, and includes the control of the chemical and natural properties and of the stability of the formulation;

“registration number” means the number assigned to every agricultural pesticide;

“regulations” means any regulations made by the Administrator under section 20;

“Republican Agricultural Chemist” means any agricultural chemist as defined in the Republican law;

“Republican Analyst” means the Analyst of the Government of the Republic of Cyprus;

“Republican Law” means the Agricultural Pesticides Law 1993 of the Republic or any law amending or substituting the same;

“section” or “subsection” means a section or subsection of this Ordinance;

“sell” includes barter or exchange and includes agreeing to sell or offering or exposing for sale or possessing for the purpose of selling or sending, forwarding or delivering for sale.

Law No.1(1)/93
(Republic).

Law No.1(1)/93
(Republic).

3. - (1) Any agricultural pesticide registered in the Republic under the Republican Law shall be a recognised pesticide for the purposes of this Ordinance and shall, in the Areas, be assigned the same registration number as it has been assigned in the Republic under the Republican law.

(2) Any such pesticide shall cease to be recognised in the Areas for such period as it ceases to be registered under the provisions of the Republican law:

Provided that in any case where the Chief Officer deems it appropriate, he may after consultation with the appropriate authorities of the Republic, by order under this section declare that any agricultural pesticide shall cease to be recognised within the Areas for such period as he may specify in the said order.

Importation,
manufacture etc. of
non-registered
pesticide
prohibited.

4. - (1) No person shall import, manufacture, advertise, or in any other manner whatsoever offer for sale or use in the Areas any agricultural pesticide unless such pesticide is recognised under this Ordinance.

(2) No person shall use an agricultural pesticide for any purpose or in any manner other than that declared upon its registration or contrary to any instructions which either accompany the package thereof or are otherwise printed on the label thereof.

5. No person shall sell, or advertise for sale, any agricultural pesticide except in a sealed unbroken container, as may be prescribed.

Pesticides to be sold in sealed containers.

6. No person shall sell or advertise for sale in the Areas any agricultural pesticide unless the package containing the said pesticide is marked or labelled in such form and in such manner as may be prescribed.

Pesticide containers to be marked or labelled.

7. It shall be unlawful for any person -

- (a) to detach, alter, deface or destroy in whole or in part, any label or labelling prescribed in this Ordinance or in any regulations made thereunder, or to add any substance to, or take any substances from an agricultural pesticide in a manner that may defeat the purpose of this Ordinance;
- (b) to force open the package of any agricultural pesticide and to repack the contents in another package without the prior approval of the Chief Officer.

8. - (1) For the purpose of ensuring the proper observance of the provisions of this Ordinance the Chief Officer may appoint Inspectors.

Appointment, powers and duties of Inspectors.

(2) Any Inspector may at all reasonable times enter any premises not being a dwelling house when he has reason to believe that -

- (a) an agricultural pesticide is manufactured, prepared, sold or stored for sale therein, or
- (b) agricultural produce in which there may be present the residue of an agricultural pesticide is stored or packed for sale therein,

and he may examine such agricultural pesticide or agricultural produce and may take samples in the prescribed manner.

(3) For every such sample an Inspector shall issue a receipt in the prescribed form.

(4) The owner of any agricultural pesticide or agricultural produce in respect of which samples are obtained under subsection (1) may claim payment for the quantity so taken at the price in force on the date on which the said samples were taken.

9. - (1) Where a sample of an agricultural pesticide or agricultural produce has been taken by an Inspector in the manner prescribed in section 8 of this Ordinance, he shall forward it to the Republican Agricultural Chemist for analysis. On completion of the analysis, the Republican Agricultural Chemist shall supply the Inspector with a certificate showing the results of the analysis and indicating whether these are in compliance with the provisions of the Ordinance or regulations. The Inspector shall send or deliver a copy of such certificate to the manufacturer, importer, distributor or seller of the agricultural pesticide concerned.

Taking of samples by Inspector.

Control of
pesticide residues
in agricultural
produce.

Pesticides
Regulations 1993
(Republic).

(2) In the case of analysis of residues of agricultural pesticides in the sample of any agricultural produce taken as in section 8 provided, the certificate by the Republican Agricultural Chemist shall indicate whether the results of the analysis are in accordance with the Agricultural Pesticides Regulations 1993 of the Republic and a copy of such certificate shall be forwarded to the producer or seller of the agricultural product concerned.

(3) The certificate relating to the analysis carried out by the Republican Agricultural Chemist shall be in the form prescribed in the aforesaid Regulations.

(4) Any certificate of the Republican Agricultural Chemist or the Republican Analyst, as the case may be, received in the Areas, which specifies the result of the analysis and which states whether or not the results are in accordance with the provisions of this Ordinance or any regulations made thereunder shall be recognised in the Areas for the purposes of this Ordinance as if such analysis and report had been made in the Areas.

(5) Where the certificate of the Republican Agricultural Chemist relating to the quality of the pesticide is called into question, the manufacturer, importer, distributor or seller shall be entitled, within forty five days of the receipt of the copy of the said certificate, and upon payment of the prescribed fee, to submit such product through the Inspector to the Republican Analyst for the purpose of analysis and for the issue to him of a certificate relating to the results of such analysis.

(6) The report of the Republican Analyst shall, if received in the Areas, be deemed to be final for the purposes of this Ordinance as if it had been made in the Areas.

Right of
individuals to have
samples analysed.

10. - (1) Any purchaser of an agricultural pesticide shall, subject to the agreement of the appropriate authorities of the Republic and upon payment of the prescribed fee, be entitled to submit such product through the Inspector to the Republican Agricultural Chemist for analysis.

(2) There shall be sent with each sample forwarded for analysis under subsection (1) of this section a statement giving -

- (a) the name and address of the purchaser;
- (b) the name and address of the manufacturer, importer or distributor, the date of purchase and the conditions of its storage; and
- (c) the proprietary name of the agricultural pesticide and its registration number.

(3) The Republican Agricultural Chemist shall forward or deliver to the purchaser a certificate as to the results of the analysis which shall also include a description of the condition of the sample at the time when it was received by the Agricultural Chemist.

Advertisement of
results of analysis
prohibited.

11. It shall be unlawful for any manufacturer, agent or distributor or seller to advertise in any way the results of the analysis that may have been carried out either under this Ordinance or the Republican law unless prior authorisation has been obtained from the appropriate authorities of the Republic under the Republican law or from the Chief Officer.

12. Words stating, implying or inferring that an agricultural pesticide is approved, accepted or recommended by the Administrator or any officer or department of the Administration or by the Government of the Republic or by any Department or Service thereof, shall not be used in the Areas on any container, label, tag or advertisement for such product.

Restrictions on advertisements.

13. The Administrator may make Regulations:-

Power of Administrator to make regulations.

- (a) prescribing for the purposes of this Ordinance the nomenclature of materials from which the manufacture of agricultural pesticides is possible;
- (b) prescribing the type, properties and the percentage proportion of the ingredients which may be contained in agricultural pesticides;
- (c) prescribing the procedure for taking samples;
- (d) prescribing the methods of analysis which shall be followed at the time of quality control and the residues of the agricultural pesticide, and the acceptable limits of variation between the particulars that are stated on the application for registration or on the label on the container of an agricultural pesticide and the report of the Republican Agricultural Chemist relating to the analysis carried out at the Laboratory;
- (e) prescribing the fees payable under this Ordinance;
- (f) prescribing the duration of the period of registration of agricultural pesticides;
- (g) prescribing the information which shall be inscribed on the label and the size, colour and type of label;
- (h) prescribing the conditions under which small consignments of agricultural pesticides which are not recognised and are intended for experimental use or chemical analyses by Government Departments of the Republic or individuals, may be imported into or manufactured in the Areas;
- (i) prescribing the categories of toxicity of agricultural pesticides;
- (j) prescribing the conditions and safety measures that are considered necessary:
 - (i) to protect the health of people living in the vicinity of places where agricultural pesticides are manufactured;
 - (ii) to prevent the pollution of the environment;
 - (iii) to protect the health of persons using agricultural pesticides; and
 - (iv) to protect the health of persons employed in the manufacture, packing, distribution or sale of agricultural pesticides;
- (k) prescribing the type and kind of materials that may be used for the packaging for agricultural pesticides;
- (l) prescribing the safe storage of agricultural pesticides and the prevention of their contamination;

- (m) controlling the use of any agricultural pesticide and the precautions to be taken during its use, to prevent any wilful or accidental damage or injury to any property;
- (n) prescribing the qualifications, responsibilities and liabilities of the retailers of agricultural pesticides, including their obligation to register and obtain a licence to retail in agricultural pesticides; and for the payment of the relevant fee;
- (o) prescribing the standards and specifications to be fulfilled by warehouses or premises for the sale of agricultural pesticides and the manner in which they shall be stored and the kind of agricultural pesticides permitted to be stored or sold therein;
- (p) prescribing the various means which may be used for spraying or dusting and the qualifications, responsibilities and liabilities of persons who offer their services by way of trade, including their obligation to register as such;
- (q) prescribing the procedure for carrying out tests of effectiveness of agricultural pesticides, the manner of analysis and the preparation and submission of the results to the Chief Officer;
- (r) prescribing any other matter which is required to be prescribed or regulated and generally for the better carrying into effect of this Ordinance.

14. - (1) Any person who -

- (a) contravenes sections 4, 5, 6, 7, 11 or 12;
- (b) alters the label of any registered agricultural pesticide without the prior approval of the Chief Officer; or
- (c) falsely represents any agricultural pesticide in any advertisement; or
- (d) unlawfully uses a registration number of an agricultural pesticide assigned under the provisions of this Ordinance or uses such number as if it has been allocated under the provisions of this Ordinance; or
- (e) contravenes any other requirement or prohibition imposed by this Ordinance or the regulations made thereunder,

shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding 6 months or to a fine not exceeding £500 or to both such penalties.

(2) Any person who wilfully obstructs, hinders, resists or in any other way opposes any Inspector appointed under this Ordinance shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding 6 months or to a fine not exceeding £500 or to both such penalties.

(3) In addition to any other penalty prescribed by this section, the Judge's Court before which a person is convicted of an offence under subsection (1) of this section, may order that the agricultural pesticide in relation to which the offence has been committed should be confiscated, destroyed or otherwise disposed of.

15. - (1) Where it is established that an agricultural pesticide is advertised, exposed, offered or held in possession for sale in the Areas contrary to the provisions of this Ordinance or the regulations, any Inspector may serve upon the manufacturer, importer, distributor, seller or possessor of such agricultural pesticide, a notice in writing to that effect, and the person upon whom such notice is served shall not sell, dispose, use, remove, export from the Areas or destroy such agricultural pesticide for at least seven days from the time he is so served.

Interim prohibition of disposal etc. of pesticides.

(2) Following the commencement of prosecution for an offence under subsection (1) of this section, an Inspector may, at any stage during the criminal proceedings, make an ex parte application to the Judge's Court for the issue of an interim order prohibiting the sale, disposal, use, removal or destruction of the agricultural pesticide in relation to which the offence was committed until the final determination of the case; upon such application the Court may make such order subject to such terms and conditions as it may think fit and shall fix a date on which the defendant shall have the opportunity of opposing before the Court the order issued.

16. At any criminal proceeding for an offence under the provisions of subsection (1) of section 21, the production by the prosecution of a certificate by the Republican Agricultural Chemist in the form prescribed in the regulations shall constitute sufficient evidence of the facts stated therein, unless the accused requests the attendance of the Republican Agricultural Chemist as a witness.

Certificate of Agricultural Chemist prima facie evidence.

17. Nothing in this Ordinance contained shall apply to, or shall affect or shall be construed as affecting –

Exemptions.

- (a) any agricultural pesticides imported into the Areas for re-export outside the Island of Cyprus;
- (b) the import and sale of agricultural pesticides for industrial purposes only, or the import and sale of raw materials for the manufacture of agricultural pesticides, provided that a permit had been issued in advance by the Chief Officer under such conditions and limitations as the Chief Officer may deem fit;
- (c) the import or manufacture in the Areas of small consignments of agricultural pesticides for experimental use or chemical analyses, provided that a permit has been issued in advance by the Chief Officer under such conditions and restrictions as the Chief Officer may deem fit.

18. Regulations made under the Ordinances repealed by this Ordinance, in so far as they are not inconsistent with the provisions of this Ordinance, shall continue in force until revoked and shall be deemed to have been made under this Ordinance.

Savings.

19. The Pest Control Products Ordinances 1967 to 1986 are hereby repealed without prejudice to anything done or left undone thereunder.

Repeals. Ordinances 6/67 and 9/86.

7th April 2000
(195/2/1)

D.J. BONNER,
Chief Officer.

