

GUYANA

BILL No. of 2007

**PESTICIDES AND TOXIC CHEMICALS CONTROL
(AMENDMENT) BILL 2007**

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Amendment of long title of Principal Act.
3. Amendment of section 7 of Principal Act.
4. Amendment of section 11 of Principal Act.
5. Amendment of section 12 of Principal Act.
6. Amendment of section 15 of Principal Act.
7. Amendment of section 16 of Principal Act.
8. Amendment of section 18 of Principal Act.
9. Amendment of section 19 of Principal Act.
10. Amendment of section 29 of Principal Act.
11. Amendment of section 32 of Principal Act.
12. Amendment of section 34 of Principal Act.

**A BILL
Intituled**

AN ACT to amend the Pesticides and Toxic Chemicals Control Act 2000.

A.D. 2007 Enacted by the Parliament of Guyana:-

Short title. 1. This Act, which amends the Pesticides and Toxic Chemicals Control Act 2000, may be cited as the Pesticides and Toxic Chemicals Control (Amendment) Act 2007.

**Amendment of
long title of
Principal Act.** 2. The long title of the Principal Act is amended by inserting, immediately after the word “importation”, a comma followed by the word “exportation”.

**Amendment of
section 7 of
Principal Act.**

3. Section 7 of the principal Act is amended-
- (a) by renumbering it “7 (1)”;
 - (b) by inserting in paragraph (b), immediately after the word “import”, a comma followed by the word “export”;
 - (c) by inserting in paragraph (f), immediately after the word “importation”, a comma followed by the word “exportation”;
 - (d) by inserting, immediately after paragraph (i), the following paragraphs -
 - “(ia) to provide information and advice as required to fulfill Guyana’s obligations under international agreements;
 - “(ib) to oversee Guyana’s implementation of international agreements”; and
 - (e) by adding the following subsection -
 - “ In subsection (1)(ia) and (ib), “international agreements” means international agreements to which Guyana is a party concerning the manufacture, importation, exportation, transportation, storage, sale, use, or disposal of pesticides or toxic chemicals.”

**Amendment of
section 11 of
Principal Act.**

4. Section 11 of the Principal Act is amended by inserting, immediately after the word “import”, a comma followed by the word “export”.

**Amendment of
section 12 of
Principal Act.**

5. Section 12 of the Principal Act and the marginal note are amended by substituting for the words “or import” in both places where they occur, the words “import or export”.

**Amendment of
section 15 of
Principal Act.**

6. Section 15 of the Principal Act is amended by inserting, immediately after the word “import”, a comma followed by the word “export”.

**Amendment of
section 16 of
Principal Act.**

7. Section 16(1) of the Principal Act is amended by inserting, immediately after the word “import”, a comma followed by the word “export”.

**Amendment of
section 18 of
Principal Act.**

8. Section 18 of the Principal Act is amended -

(a) by inserting in the marginal note, immediately after the word “imported”, the words “or exported”; and

(b) by inserting, immediately after subsection (2), the following subsection -

“(3) Except as provided by the regulations, no controlled product shall be exported from Guyana unless the product wholly conforms to the law of Guyana and is accompanied by a certificate from Board in the form determined by the Board that the product does not contravene any known requirement of Guyana.”

**Amendment of
section 19 of
Principal Act.**

9. Section 19 of the Principal Act is amended -
- (a) by substituting, for subsection (1), the following subsection -
 - “(1) The Minister may, by order made after consultation with the Board, specify either or both of the following for the purposes of this Act-
 - (a) pesticides that must not be imported into or used in Guyana;
 - (b) pesticides that must not be exported from Guyana”;
 - (b) by substituting for the words “the list of specified prohibited pesticides” in subsection (2), the words “any order made under subsection (1)”;
 - (c) by substituting for subsection (3) the following subsection -
 - “(3) An order made under this section may provide for the withdrawal from sale or use, and for the disposal of, any pesticide specified in the order.”

**Amendment of
section 29 of
Principal Act.**

10. Section 29 of the Principal Act is amended -

- (a) by inserting in subsection (1), immediately after the words “imported into”, the words “or to be exported from”;
- (b) by inserting in subsection (2), immediately after the word “importer”, the words “or exporter (as the case may be)”;
- (c) by substituting for subsection (3), the following subsections -

“(3) In the case of a product to be imported into Guyana,

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- (a) if it appears from the report of the inspector or analyst that the sale or use of the product in Guyana would contravene this Act, the product must not be admitted into Guyana; and
- (b) otherwise, the product shall, subject to any other law, be admitted into Guyana.

(3A) In the case of a product to be exported from Guyana to another country, -

- (a) if it appears from the report of the inspector or analyst that exportation of the product to the country concerned is not authorized by an export license issued by the Board, the product shall not be exported from Guyana; and
- (b) otherwise, the product shall, subject to any other law, be permitted to be exported to that country”.

**Amendment of
section 32 of
Principal Act.**

11. Section 32 of the Principal Act is amended -

- (a) by inserting in paragraph (a), immediately after the word “importation, a comma followed by the word “exportation”;
- (b) by inserting in paragraph (i), immediately after the word “imported”, a comma followed by the word “exported”; and
- (c) by inserting in paragraph (w), immediately after the word “importers”, a comma followed by the word “exporters”.

**Amendment of
section 34 of
Principal Act.**

12. Section 34(1) of the Principal Act is amended by inserting in paragraph (a), immediately after the word “imports”, a comma followed by the word “exports”.

Passed by the National Assembly on

2007.

S.E. Isaacs.
Clerk of the National Assembly.

(BILL No. /2007)

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Pesticides and Toxic Chemicals Control Act 2000 (“the Principal Act”) in order to regulate exports of pesticides and toxic chemicals

Clause 1 sets out the short title of the Bill

Clause 2 amends the long title of the Principal Act

Clause 3 amends Section 7 of the Principal Act to extend the functions of the Pesticides and Toxic Chemicals Control Board (“the Board”) to licensing and otherwise dealing with exports of pesticides and toxic chemicals (“controlled products”).

Clause 4 amends Section 11 of the Principal Act to prohibit exports of unregistered controlled products

Clause 5 amends Section 12 of the Principal Act to prohibit the exportation of controlled product unless the exporter is licensed.

Clause 6 amends Section 15 of the Principal Act to provide for regulations to regulate the exportation of controlled products and to require exporters to have available antidotes for controlled products, where such antidotes exist.

Clause 7 amends Section 16 of the Principal Act to provide for applications for licenses to export controlled products, and to provide for the granting, refusal, and revocation of such licenses

Clause 8 amends Section 18 of the Principal Act by prohibiting exports of controlled products from Guyana to another country, except where such products comply with the laws of Guyana and are accompanied by a certificate to this effect from the Board.

Clause 9 amends Section 19 of the Principal Act to allow the Minister to make and Order (after consulting with the Board) to prohibit the exportation of controlled products specified in the Order, and simultaneously to Order the withdrawal from sale and the disposal of such products.

Clause 10 amends Section 20 of the Principal Act to allow Inspectors to examine customs entries of controlled products to be exported, and to take samples from such products for analysis. It also provides for the report of the Inspector or Analyst concerned to determine whether or not a product may be exported from Guyana.

Clause 11 amends Section 32 of the Principal Act to allow the Minister to make regulations to regulate exporters and the exportation of controlled products.

Clause 12 amends Section 34 of the Principal Act to make it an offence to export controlled products in breach of the Principal Act or the Regulations