

The Pesticide Regulation, 2050 (1994)

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In exercise of the powers conferred by Section 18 of the Pesticides Act, 2048 (1991), His Majesty's Government has framed the following rules.

Chapter- 1

Preliminary

1. Short title and commencement:

- (1) These rules may be cited as the "Pesticides Regulation, 2050 (1994)."
- (2) This Regulation shall come into force on such date as the Act has come into force.¹

2. Definitions:

Unless the subject or the context otherwise requires, in this Regulation:

- (a) "Act" means the Pesticides Act, 2048 (1991).
- (b) "Office" means the office established by His Majesty's Government.
- (c) "Container" means a utensil or box or pouch to be used to contain, cover, seal, include or pack the pesticides.
- (d) "Label" means information related to the pesticides written, printed or drawn by line on the pesticides or on the container

¹ Vide the notification published in the Nepal Gazette Section 43, No. 42, dated 2055.10.25 (7 February 1994), the Pesticides Act came into force to the whole of the Kingdom of Nepal on 2050.10.25 (16 July 1994).

containing the pesticides or on the outer part of the container or on the pouch of the pesticides.

- (e) "Inspector" means the pesticides inspector appointed pursuant to section 13 of the Act.

3. Application for registration of pesticides:

- (1) A person, organization or body who intends to import, export or produce the pesticides shall, prior to the carrying out of such act, make an application to the office in such format as prescribed by the committee, along with the registration fee of fifty rupees, to get such pesticides registered pursuant to Section 9 of the Act.
- (2) The person, organization or body making an application to get the pesticides registered pursuant to sub-rule (1) shall furnish such necessary technical and other information related with the pesticides as required by the office in connection with the registration.

4. Registration of pesticides:

- (1) If an application is made to get the pesticides registered pursuant to rule 3 above, the office shall, after making necessary enquiry into the matter, and taking into consideration the effect to be caused from such pesticides to the human beings, animals, birds and environment, register the pesticides with or without imposing any terms and conditions and give the pesticides registration certificate to the applicant, in such a format as prescribed by the committee.

- (2) The pesticides registration certificate given pursuant to sub- rule (1) shall remain valid for a period of five years.
- (3) Notwithstanding anything contained in sub-rule (1), the office shall not register the pesticides unless and until it receives such data related with the pesticides as required by it from the applicant in regard to the registration of such pesticides.

5. Powers to refuse to register pesticides:

- (1) If an applicant making application for the registration of any pesticides fails to prove the utility of such pesticides in the Kingdom of Nepal or if the office is of opinion that the use of such pesticides is likely to cause adverse effects on the human beings, animals, birds or environment, the office may, by assigning the reasons therefore, refuse to register such pesticides.
- (2) If the office refuses to register any pesticides pursuant to sub-rule (1), a notice, accompanied with the reason therefore, shall be given to the applicant.
- (3) The applicant who receives the notice pursuant to sub-rule (2) may file a petition in writing with the committee to have such decision reviewed; and a decision made by the committee in regard to such petition shall be final.

6. Cancellation or suspension of pesticides registration:

If the committee is of opinion that the continual use of the pesticides registered pursuant to rule 4 is proved ineffective or even the general use of such pesticides is likely to cause adverse effects on the human beings or animals or environment, the committee may, at any time,

cancel the registration of such pesticides or suspend the registration for any specific period of time. A notice of such cancellation or suspension shall be published in the Nepal Gazette.

7. Submission of pesticides imports details:

- (1) Every person, organization or body having obtained the license to import the pesticides shall submit to the office the particulars of the pesticides imported within a fiscal year, describing the quantity and value thereof in such format as prescribed by the committee within three months after the expiry of each fiscal year or prior to that time if so required by the committee.
- (2) If the importer fails to submit the import details pursuant to sub-rule (1), the committee may, on recommendation of the office, cancel the registration of such pesticides.

8. Approval of container and label:

- (1) Any person, organization or body intending to sell and distribute any pesticides shall submit an application to the office in such format as prescribed by the committee, along with the sample of the container and the label, to obtain approval of such container and label.
- (2) If an application is submitted pursuant to sub-rule (1), the office shall approve the container and the label, after conforming whether the container conforms to the standards fixed by the committee and whether the label contains all the information required to be contained in it or not.

9. Prohibition on sale and distribution:

- (1) No pesticides imported for the purpose of scientific use or research shall be sold or distributed.
- (2) No pesticides shall be sold or distributed without keeping it in such container as may be approved by the office.
- (3) No pesticides shall be sold or distributed without keeping it in a container to which a label approved by the office is not affixed.

10. License to be obtained:

Any person, organization or body who intends to carry on a business of sale, synthesis or spray of pesticides shall obtain a license from the committee.

11. Application for license:

Any person, organization or body who intends to obtain the license pursuant to rule 10 shall make an application, accompanied by the license fee of fifty rupees, to the committee in such format as may be prescribed by the committee.

12. License to retailer of pesticides:

- (1) If any person, organization or body makes an application to the committee pursuant to rule 11 to obtain a license to carry on retail sale of pesticides, the committee shall, subject to the standards fixed in respect of the knowledge about the pesticides and uses thereof, make necessary inquiry into the matter; and the committee may, if it considers reasonable to give the license, give the retail seller license in the format as prescribed by it.
- (2) The retail seller of pesticides shall observe the terms and conditions mentioned in the license.

13. License to pesticides spray entrepreneur:

- (1) If any person, organization or body makes an application to the committee pursuant to rule 11 to obtain a license to spray the pesticides commercially, the committee shall, subject to the standards fixed in respect of the uses of pesticides, make necessary inquiry into the matter; and the committee may, if it considers reasonable to give the license, give the pesticides spray license in the format as prescribed by it.
- (2) The pesticides spray entrepreneur shall observe the terms and conditions mentioned in the license.

14. License to pesticides synthesizer:

- (1) If any person, organization or body makes an application to the committee pursuant to rule 11 to obtain a license to synthesize the pesticides, the committee shall, subject to the standards fixed in respect of the synthesization of the pesticides, make necessary inquiry into the matter; and the committee may, if it considers reasonable to give the license, give the pesticides synthesization license in the format as prescribed by it.
- (2) The pesticides synthesizer shall observe the terms and conditions mentioned in the license.

15. Validity period and renewal of license:

- (1) The validity period of the license given pursuant to rules 12, 13 or 14 shall be two years.
- (2) No later than 35 days after the expiration of the validity period of the license as referred to in sub-rule (1), the license shall be got

renewed by making an application, accompanied by the renewal fee equal to the license fee. If the license is not got so renewed, it shall *ipso facto* be void.

16. Powers to cancel license:

If the person, organization or body licensed pursuant to rules 12, 13 or 14 appears to have failed to observe the terms required to be observed by such person, organization or body, the committee may cancel the license obtained by such person, organization or body.

17. Issuance of identity card to pesticides inspector:

- (1) His Majesty's Government shall issue employee identity cards to the pesticides inspectors appointed pursuant to section 13 of the Act for their identification.
- (2) If any one wants to see the identity card of the pesticides inspector while the pesticides inspector is performing his duties or exercising his powers pursuant to the Act and this Regulation, he shall show the employee identity card obtained by him pursuant to sub-rule (1).

18. Powers, functions and duties of inspector:

- (1) The inspector may, in course of performing his duties, enter any building, land, vehicle, aircraft, factory, commercial centre, storage, shed etc. at any time and may examine or inspect any documents or records.
- (2) If any one sells or imports the pesticides in contravention of the provisions of the Act and this Regulation, the inspector may take such pesticides in his custody.

19. Functions, duties and powers of and procedures of meeting of sub-committee:

- (1) The functions, duties and powers of the sub-committees formed under sub-section (1) of section 6 of the Act shall be as follows:
 - (a) To provide necessary advice to the committee to smoothly carry out the importation, exportation, production, sale and distribution of the pesticides.
 - (b) To carry out such other functions as may be specified by the committee to smoothly carry out the importation, exportation, production, sale and distribution of the pesticides.
- (2) The procedures relating to the meetings of the sub-committees shall be as prescribed by the committee.

20. Powers to frame and issue manual:

In order to effectively implement the Act and this Regulation, the committee may, as per necessity, frame and issue a manual in regard to the matters related with the pesticides; and it shall be the duty of all the concerned to observe the manual so issued.