

CHAPTER 238 PESTICIDES CONTROL ACT

• Act • Subsidiary Legislation •

ACT

Act No. 28 of 1973

Amended by

Act No. 88 of 1979

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Power of the Minister to make regulations.
4. Establishment of Pesticides Control Board and appointment of officers, etc.
5. Power of inspector to enter land or premises.
6. Other powers of inspector.
7. Offences and penalties.
8. Power and procedure for taking samples.
9. Expenses of administration of Act.

CHAPTER 238 PESTICIDES CONTROL ACT

An Act to provide for the control of the importation, sale, storage and use of pesticides, and for connected matters.

[Act No. 28 of 1973 amended by Act No. 88 of 1979.]

[12th December, 1973.]

1. Short title

This Act may be cited as the Pesticides Control Act.

2. Interpretation

In this Act—

“advertisement” includes any representation for the purpose of promoting, directly or indirectly, the sale or other distribution of pesticide;

“approved analyst” means the Government chemist or an analyst or chemist approved by the Minister;

“article” means—

- (a) pesticide;
- (b) produce to which a pesticide is believed to have been applied;
- (c) anything used for the manufacture, packing, storage or application of pesticide; or

(d) material in connection with the labelling, packing or advertising of pesticide;

“Board” means the Pesticides Control Board established by section 4;

“container” means anything in which pesticide is wholly or partly contained or packed;

“label” includes any legend, word or mark attached to, included in, belonging to or accompanying a container;

“manufacture” means the formulation, compounding or synthesising of pesticide;

“Minister” means the Minister responsible for agriculture;

“owner” means the owner of an article, his or her employee or agent, the person in whose possession an article is found, the owner of a vehicle or land in which or on which an article is found, or the employer of a worker;

“pack” means put pesticide in containers for sale or other distribution;

“pest” includes any insect, rodent, bird, fish, mollusc nematode, fungus, weed, micro-organism, virus and any other kind of plant or animal life which is troublesome or undesirable to crops, produce, processed foods, wood, clothes, fabrics or other inanimate objects or which is objectionable on grounds of hygiene or of public health. The word “pest” also includes ectoparasites and endoparasites of man, and ectoparasites of animals;

“pesticide” means any product intended to be used for controlling pests;

“produce” means a crop grown for consumption or other use after it is severed from the land and includes anything ordinarily used, or which may be used, in the composition of food for human beings or domestic or farm animals, but does not include growing crops;

“worker” means a person employed in the use and handling of pesticides.

3. Power of the Minister to make regulations

(1) The Minister may make regulations generally for carrying into effect the provisions of this Act; in particular, such regulations may—

- (a) prohibit the manufacture, packaging, importation, advertisement, sale and use of particular pesticides or classes of pesticides;
- (b) control the manufacture, packaging, import, transportation, advertisement, and sale or other distribution, of particular pesticides or classes of pesticides;
- (c) control the use of pesticides generally for the production or storage of produce or on land used for grazing, forestry, woodland, horticulture, market gardening, nurseries, animal husbandry, bee culture or fish culture, or on particular crops or pests;
- (d) control the use of pesticides on produce during storage and transportation;
- (e) set out the conditions under which pesticides are to be stored;
- (f) protect workers against the risk of poisoning or other injury by pesticides;
- (g) prescribe the permissible level of pesticide in any particular kind of produce at the time of marketing;
- (h) extend or limit, as occasion may require, the definition “pest” by the inclusion of additional items or the exclusion of any of the items therein enumerated.

(2) Regulations under subsection (1) may contain provisions—

- (a) controlling the quantities of pesticides which may be imported or manufactured, and the types of containers in which pesticides may be imported, transported, offered for sale or otherwise distributed;
- (b) controlling the labelling of containers, their subsequent disposal, and the disposal of unwanted stocks of pesticides;
- (c) requiring the keeping and inspection of records, and the furnishing of returns and other information, with respect to pesticides;
- (d) restricting or prohibiting the use of particular pesticides or classes of pesticides;
- (e) imposing restrictions and obligations on any person who, for remuneration, makes use of pesticides for the destruction or control of pests on land or in any building or other premises, or any vehicle, ship, or aircraft;
- (f) imposing duties on employers or workers, on the workers themselves and on others;
- (g) requiring the provision, proper maintenance, and production at the request of an inspector, of—
 - (i) protective clothing,
 - (ii) suitable equipment,
 - (iii) facilities for washing and cleaning,
 - (iv) other things needed for protecting persons, clothing, equipment and appliances from contamination by pesticides or for removing sources of contamination therefrom;
- (h) requiring the use, by employers, of devices—
 - (i) to warn against poisoning by pesticides,
 - (ii) to ensure proper use of apparatus and facilities provided in pursuance of the regulations, and
 - (iii) to warn against eating, drinking and smoking where there may be risk of poisoning by pesticides;
- (i) prescribing limits to periods of exposure of workers to risks of poisoning by pesticides and the length of the intervals between periods of exposure;
- (j) requiring special precautions to be taken by employers where workers, by reason of their state of health, age or other circumstances, are subject to particular risks of poisoning by pesticides;
- (k) imposing prohibitions or restrictions whether temporary or permanent regarding the employment of a class of workers mentioned in paragraph (j);
- (l) prescribing measures for investigating and detecting cases in which the poisoning of workers by pesticides has occurred or may reasonably be thought to have occurred, including medical examinations, the collection of samples, and the conduct of blood tests and analyses;
- (m) requiring employers to provide proper facilities for first aid treatment and the safety of workers;
- (n) requiring employers to provide, and for workers to undertake, instruction and training in the use of apparatus and facilities supplied in pursuance of the regulations;
- (o) prescribing standards for the composition of pesticides;
- (p) requiring persons to obtain a licence to manufacture, import, pack, sell, distribute or use any pesticide;

(*q*) prescribing the manner of application for and the grant of licences under paragraph (*p*).

(3) Regulations under subsection (1) may—

(*a*) make different provisions to meet different circumstances and provide for differences in the composition of specific pesticides having regard to their poisonous effects under different conditions and on different classes of workers; and

(*b*) provide for the exemption of particular cases or of particular workers from the operation of all or any part of the regulations.

4. Establishment of Pesticides Control Board and appointment of officers, etc.

(1) There is hereby established a Board to be called the Pesticides Control Board whose duties shall be—

(*a*) to advise the Minister on matters relevant to the making of regulations under this Act; and

(*b*) to carry out the provisions of this Act and the regulations.

(2) The Board shall comprise the Chief Medical Officer, the senior public officer responsible for environmental health, the technical officers responsible for agronomy and agricultural extension, the Government chemist or produce chemist, the chief plant protection officer, and two persons appointed by the Minister who are not public officers.

(3) The Board shall elect a chairman from amongst the members from the Ministry of Agriculture, and he or she shall have both an original and a casting vote.

(4) The quorum for the conduct of business by the Board shall be five.

(5) The Board may, with the approval of the Minister, appoint at such remuneration and on such terms as it shall determine a secretary and any other officers and employees it deems to be necessary for the proper performance of its duties.

(6) The Minister may assign inspectors to assist the Board in carrying out its duties under subsection (1)(*b*).

5. Power of inspector to enter land or premises

(1) Subject to subsections (2) and (3), an inspector may, in the performance of his or her duties under this Act or the regulations, at any reasonable hour enter land or premises.

(2) An inspector—

(*a*) before entering any land or premises, shall, if so required, produce a written instrument, signed by the chairman of the Board, authorising him or her to enter; and

(*b*) if it is necessary to enter a dwelling-house (other than a dwelling-house in which he or she reasonably believes there are washing facilities or other things provided under this Act or the regulations for the use of persons not living in that dwelling house), before entering the dwelling-house, shall have given to the occupier at least twenty-four hours' notice of his or her intention to do so.

(3) This section applies to land or premises—

(*a*) on which pesticide is being, has recently been, or is about to be used, manufactured, sold, packaged or stored;

(*b*) which is being, has recently been, or is about to be used for a purpose connected with the use, manufacture, sale, packaging or storage of pesticide;

- (c) on which apparatus and facilities required to be kept by the regulations are kept; or
- (d) which an inspector has reasonable cause to believe to be land or premises mentioned in paragraphs (a) to (c).

6. Other powers of inspector

(1) An inspector may—

- (a) require the production of an article;
- (b) examine and copy registers, records and other documents required to be kept by the regulations;
- (c) make enquiries to discover whether this Act and the regulations are being complied with;
- (d) require any person found on land or premises mentioned in section 5(3) to give information to the best of his or her knowledge as to who is the occupier, and who is the employer of any workers employed to work there;
- (e) interview, either alone or in the presence of any other person, with respect to the observance of this Act or the regulations, any person found on land or premises mentioned in section 5(3) or whom he or she has reasonable cause to believe to be, or to have been within the preceding two months, employed to work there, but a person so interviewed shall not be required to answer any question or make any statement tending to incriminate himself or herself;
- (f) require persons suffering or believed to be suffering from toxic effects produced by pesticide to be examined by an appropriate medical officer without delay;
- (g) take samples under section 8;
- (h) seize and detain, for such period of time as may be necessary, any article by means of which or in relation to which he or she reasonably believes any provision of this Act or the regulations has been contravened;
- (i) exercise such other powers as may be necessary for carrying into effect this Act and the regulations.

(2) An inspector shall release an article seized under subsection (1)(h) if he or she is satisfied that all the provisions of the Act and the regulations have been complied with.

(3) Any article seized under subsection (1)(h) may, at the option of an inspector, be kept or stored in the place where it is seized or may, at the direction of an inspector, be removed to another place.

(4) If an inspector seizes an article under subsection (1)(h) and the owner consents to its destruction the article shall thereupon be forfeited and may be destroyed or otherwise disposed of as the Board may direct.

7. Offences and penalties

(1) A person who—

- (a) assaults, resists, obstructs or intimidates an inspector in the execution of his or her duty;
- (b) uses indecent, abusive, or insulting language to an inspector in the execution of his or her duty;
- (c) by any gratuity, bribe, promise or other inducement prevents, or attempts to prevent, an inspector from carrying out his or her duty;

- (d) without the authority of an inspector removes, alters or interferes in any way with an article seized under of section 6(1)(h);
- (e) contravenes any provision of this Act or the regulations,

is guilty of an offence and liable, on summary conviction, to a fine of seven hundred and fifty dollars and, in the case of a continuing offence, to a fine of one hundred and fifty dollars for each day or part thereof during which the offence continues.

- (2) The court may, in addition to any other penalty it may impose, order that—
 - (a) any article in respect of which the offence was committed be forfeited;
 - (b) stocks of any such article held in Grenada by the accused be forfeited;
 - (c) the accused shall modify any such article within a stated period to bring it into conformity with the Act and the regulations and that if this is not done to the satisfaction of the Board then the article shall be forfeited;
 - (d) the accused be disqualified from holding or obtaining a licence to manufacture, import, pack, sell, distribute or use pesticides.

8. Power and procedure for taking samples

(1) An inspector may take samples of articles to which this Act and the regulations apply without paying compensation to the owner—

- (a) where those articles are being used, exposed for sale, stored or transported; or
- (b) where the articles have been imported and are within the control of the Comptroller of Customs, if the Comptroller has given his or her approval to the taking of samples.

(2) An inspector taking a sample under subsection (1) for the purpose of analysis shall, if practicable—

- (a) give immediate notice of his or her intention to the owner of the article;
- (b) forthwith divide the sample into at least three parts and mark, seal and fasten each part in such manner as its nature will permit, and—
 - (i) deliver one part to the owner if so required,
 - (ii) retain one part for future comparison, and
 - (iii) if the inspector considers it to be feasible to have an analysis made, submit one part to an approved analyst.

(3) Where it is not practicable for an inspector to give notice under subsection (2) he or she shall, if he or she considers it to be feasible to have an analysis made and can ascertain the name and address of the owner, give one part of the sample to him or her or send the same to him or her by registered post together with a notice informing him or her that it is intended to have the sample analysed.

(4) Notwithstanding subsections (2) and (3)—

- (a) where the inspector is of the opinion that division of a sample would affect the accuracy of its analysis, the inspector may, after due notice to the owner, submit the entire sample for examination;
- (b) where an entire sample is submitted under paragraph (a) the analyst shall, before making the analysis, divide the sample into two parts and retain one part for future comparison;
- (c) if an owner objects to the submission for analysis of the entire sample and, at his or her own expense, supplies a quantity of the same article which in the

opinion of the inspector is sufficient for an adequate division to be made, the inspector shall follow the procedure set out in subsection (2)(b).

(5) A document purporting to be a certificate by an approved analyst giving the result of an analysis of a sample shall in proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(6) If in proceedings under this Act the informant intends to rely on evidence relating to a sample taken under this section—

- (a) a copy of the analyst's certificate shall be served with the summons; and
- (b) the part of the sample retained by the inspector for future comparison may be produced at the hearing.

(7) The court before which proceedings are taken under this Act may, on the application of a party to the proceedings, cause the part of a sample produced at the hearing to be sent to an approved analyst (other than the analyst whose certificate is before the court) who shall make an analysis and transmit to the court a certificate of the result thereof, and the court may, after its determination of the case, make such order for the recovery of the costs incurred in respect of the analysis as it deems just.

9. Expenses of administration of Act

All expenses incurred in the administration of this Act shall be defrayed out of monies provided for the purpose by the House of Representatives.

CHAPTER 238 PESTICIDES CONTROL ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Pesticides Control (Labelling of Pesticides) Regulations.
 2. Pesticides Control (Approval of Pesticides) Regulations.
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Pesticides Control (Labelling of Pesticides) Regulations

SRO 9 of 1979

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Definitions.
3. Application.
4. Labelling of pesticides.
5. Certain information may be omitted.
6. Omission of other information.
7. Weights, etc., to be clearly stated.

PESTICIDES CONTROL (LABELLING OF PESTICIDES) REGULATIONS

[Section 3, SRO 9 of 1979.]

[15th November, 1989.]

1. Citation

These Regulations may be cited as the Pesticides Control (Labelling of Pesticides) Regulations.

2. Definitions

For the purposes of these Regulations—

“active ingredients” means any substance in a pesticide that is intended to have a toxic effect on a pest;

“common name” means—

- (a) the name assigned by—
 - (i) the International Organisation for Standardisation, or
 - (ii) the British Standards Institution; or
- (b) where there is no name assigned under paragraph (a), the chemical name of the ingredient.

3. Application

These Regulations apply to all pesticides except pesticides manufactured exclusively for use in the control of endoparasites of animals.

4. Labelling of pesticides

Subject to regulations 5 and 6, every container in which a pesticide is distributed, or exposed or offered for sale, shall have affixed to it a label approved by the Board setting forth clearly and prominently in the English language—

- (a) the trade or proprietary name of the pesticide;
- (b) the name and address of the distributor or manufacturer;
- (c) the common name of the active ingredient and its percentage content;
- (d) the net contents by weight or volume of the container;
- (e) the precautions to be observed in the handling and use of the contents of the container;
- (f) adequate directions approved by the Board respecting the manner in which the pesticide is to be applied;
- (g) specific information respecting the interval to be observed between application of the pesticide and the subsequent slaughter of animals, or grazing or harvesting of crops, to which the pesticide has been applied;
- (h) the words, “POISON” and “KEEP OUT OF REACH OF CHILDREN” or a similar warning statement printed in bold print; and
- (i) such other information the Board in any particular case requires.

5. Certain information may be omitted

(1) Where a container is not large enough to permit all of the information required by regulation 4 to be stated on the label affixed thereto, the information required by paragraphs (c) to (g) of that regulation may be omitted from that label.

(2) Information omitted from a label that is affixed to a container, shall be included on another label accompanying that container.

6. Omission of other information

(1) Where a pesticide is distributed, sold or offered for sale in a container in which it is imported into Grenada the information required by regulation 4(f) and (g), may be omitted from the label affixed to that container.

(2) Information omitted from a label pursuant to subregulation (1), shall be included on another label accompanying that container.

(3) All pesticide sellers should have attached to their product a label showing the name of the product and the words “dispose after use” written in block letters.

7. Weights, etc., to be clearly stated

Any weights, volumes, concentration or dosage rates set out on a label shall be stated in clear and unambiguous terms.

Pesticides Control (Approval of Pesticides) Regulations

SRO 10 of 1979

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Definitions.
3. Approved pesticides.
4. Importation for research.
5. Approval for use.
6. Grounds for refusal of approval.
7. Licence.
8. Refusal of licence.
9. Notification of decision.
10. Review of decision.
11. Conditions to be attached.
12. Commencement.

PESTICIDES CONTROL (APPROVAL OF PESTICIDES) REGULATIONS

[Section 3. SRO 10 of 1979.]

[15th November, 1989.]

1. Citation

These Regulations may be cited as the Pesticides Control (Approval of Pesticides) Regulations.

2. Definitions

For the purposes of these Regulations—

“active ingredient” means any substance in a pesticide that is intended to have a toxic effect on a pest;

“Common name” means—

- (a) the name assigned by—
 - (i) the International Organisation for Standardisation, or
 - (ii) the British Standards Institution; or
- (b) where there is no name assigned under paragraph (a), the chemical name of the active ingredient;

“percentage” means percentage by weight of ingredient per hundred parts by weight of pesticides, unless otherwise prescribed.

3. Approved pesticides

(1) No person may manufacture, import, store, use, distribute, sell or expose or offer for sale any pesticide other than a pesticide approved by the Board for use in Grenada.

(2) A person who desires to have a pesticide approved under subregulation (1) shall submit, in such form as the Board determines, an application addressed to the secretary of the Board.

(3) Subject to subregulation (5), an application under this Regulation shall state—

- (a) the name and address of the applicant and of the manufacturer;
- (b) the trade name or proposed trade name of the pesticide;
- (c) the common names of all the active ingredients and their percentage content and the percentages and the types of the remaining ingredients of the pesticide;
- (d) whether the pesticide is an emulsifiable concentrate, a wet table powder, dust, granule or has any other physical form;
- (e) the pests that may be controlled through the use of the pesticide and—
 - (i) the method and number of application, and
 - (ii) the application rates and the time which should elapse between applications,for the effective control of pest;
- (f) the first aid measures to be taken pending medical advice in a case of suspected poisoning by the pesticide and the treatment that should be administered by a medical practitioner;
- (g) the toxic effect likely to be caused in persons using or handling that pesticide with special reference to toxic effects likely to be caused by ingestion, by inhalation and by absorption through the skin;
- (h) evidence of the fact that use of the pesticide on crops, on produce or on animals in accordance with the instructions given under paragraph (e) would not in any way render food unfit for consumption because of the residues of the pesticide present therein;
- (i) the toxic effects the use of that pesticide may have on birds, fish, bees and on other wildlife, domestic animals and beneficial organisms;

- (j) the effectiveness of that pesticide in controlling pests having regard to climatic conditions in Grenada;
 - (k) the methods recommended for analysis of that pesticide;
 - (l) the methods recommended for analysis in order to ascertain the level of that pesticide and of its residues in crops, animals, produce and animal products; and
 - (m) such other information as the Board requires.
- (4) An application under this Regulation shall be accompanied by—
- (a) a copy of all labels or of all proposed labels used or intended to be used on the container in which the pesticide is to be packed;
 - (b) a copy of any instructions or of any proposed instructions accompanying or intended to accompany each package of the pesticide;
 - (c) a statement setting out any information, additional to that given on the label and additional to that contained in the instructions accompanying the package relating to the safety precautions and the type of clothes, facilities and equipment recommended to prevent hazards to persons using or handling the pesticide; and
 - (d) a statement as to whether that pesticide is—
 - (i) approved by any Member State of the Caribbean Community for use in such state and the conditions, if any, attached to its sale, distribution or use in that state, or
 - (ii) being sold for use in its country of origin and whether there are any conditions attached to such use.

(5) Where a pesticide, in respect of which an application is made under this Regulation, has been previously approved as fit for use in a Member State of the Caribbean Community the Board may dispense with the requirements for all or any of the particulars specified in subregulations (3) and (4).

4. Importation for research

(1) Notwithstanding these Regulations, the Board may in writing authorise a research institute or other organisation engaged in research to import and use limited quantities of a pesticide whether such pesticide is approved under these Regulations or not.

(2) Where permission is granted to import and use a pesticide under subregulation (1)—

- (a) such pesticide shall not be sold or distributed and shall be used only—
 - (i) by the employees of the institute or of the organisation and for the purpose for which it is imported, and
 - (ii) on the premises on which the research work is being done;
- (b) no crop, animal or product of any animal to which such pesticide is applied may be used as food for human beings or as feed for animals, as the case may be; and
- (c) a permanent record shall be kept showing—
 - (i) each date on which a pesticide is used,
 - (ii) the quantity of pesticide used, and
 - (iii) the crop or animal to which the pesticide is applied.

(3) Where an individual or organisation not authorised under subregulation (1) desires to engage in experimental work using a pesticide not approved under these Regulations the Board may, notwithstanding this Regulation, issue to such individual or organisation in respect of the pesticide sought to be used a permit to import and use such pesticide and a permit so issued shall state—

- (a) the period for which it is valid;
- (b) the quantity of pesticide which may be imported; and
- (c) the conditions regarding the use of such pesticide.

5. Approval for use

(1) The Board may, after considering an application made under regulation 3, including the taking of expert advice where necessary, approve a pesticide for use in Grenada.

(2) Approval of a pesticide shall be for three years or such shorter period as the Board determines at the end of which period the Board shall review the question of further approval.

6. Grounds for refusal of approval

The Board may—

- (a) refuse to approve a pesticide if—
 - (i) the person applying has not supplied all of the information required by the Board under regulation 3,
 - (ii) the pesticide, when used in accordance with the instructions submitted with the application, is not considered by the Board to be safe or effective in controlling pests, or
 - (iii) use of the pesticide in Grenada may constitute a risk to the public health, domestic animals or wildlife;
- (b) at any time withdraws its approval of a pesticide if it considers it expedient to do so in the interests of the public health, the safety of domestic animals or the preservation of wildlife.

7. Licence

(1) No person may manufacture or import any pesticide approved by the Board unless he or she first obtains from the Board a licence to do so.

(2) An application for such a licence shall be in such a form as the Board determines, and shall be accompanied by a fee of twenty-five dollars.

(3) A licence issued under this Regulation shall state—

- (a) the number of the licence;
- (b) the trade name of the pesticide;
- (c) the common names of all the active ingredients of the pesticide and the percentage of each such ingredient present therein;
- (d) the type of formulation;
- (e) the name and address of the person to whom the licence is issued; and
- (f) any conditions regarding the manufacture, importation, storage, use, distribution, sale exposure or offering for sale of the pesticide as the Board determines.

(4) A licence shall be valid for such period not exceeding three years as may be specified therein and may be renewed for a further period not exceeding three years as may be specified therein, on payment to the Secretary of a fee of twenty-five dollars and a breach of any condition attached to the licence shall be deemed to be a breach of these Regulations.

(5) A licence issued under this Regulation shall remain the property of the Crown and its validity shall not be affected by—

- (a) any change in the trade name of the pesticide to which the licence relates; or
- (b) any change in the name or address of the person to whom the licence is issued,

if such change is communicated to the Board before the expiration of one month after it occurs.

8. Refusal of licence

The Board may refuse to issue or at any time cancel or amend a licence or refuse renewal thereof, if—

- (a) an untrue statement was made when the application for approval of the pesticide was submitted;
- (b) the person to whom the licence was issued has committed a breach of the conditions specified in that licence or in another licence issued to him or her in respect of a pesticide; or
- (c) approval of the pesticide to which the licence relates is withdrawn.

9. Notification of decision

The Secretary shall within fourteen days of a decision of the Board to—

- (a) approve or refuse approval of a pesticide;
- (b) withdraw its approval of a pesticide; or
- (c) refuse to issue, cancel, amend or refuse renewal of a licence,

give notice of that decision to the person affected thereby.

10. Review of decision

(1) Where the Board—

- (a) refuses to approve a pesticide;
- (b) withdraws its approval of a pesticide;
- (c) refuses to issue or to renew a licence; or
- (d) cancels or amends a licence,

a person affected by the decision may within thirty days of receiving notice under regulation 9 of the Board's decision, apply by letter addressed to the Secretary to have the decision reconsidered by the Board.

(2) The Board shall, on receiving a letter under this Regulation, fix a date for reconsidering its decision and give the applicant an opportunity to be heard and to be represented by counsel if he or she so desires.

(3) The Board may, after reconsidering the application—

- (a) revoke its former decision and substitute another decision therefore; or
- (b) confirm its former decision.

(4) A decision under subregulation (3) shall be final.

11. Conditions to be attached

Each package of a pesticide sold or distributed shall have attached to it a copy of the conditions regarding its use and storage as laid down by the Board under regulation 7(3)(f).

12. Commencement

These Regulations came into force on 15th November, 1989.
