

**THE OFFICIAL GAZETTE 5<sup>TH</sup> JANUARY, 2007**  
**LEGAL SUPPLEMENT - C**

**BILL No. 1 of 2007**

*Friday 5<sup>th</sup> January, 2007*

**PARLIAMENT OFFICE**  
Public Buildings,  
Georgetown,  
Guyana.

5<sup>th</sup> January, 2007.

The following Bill which will be introduced in the National Assembly is published for general information.

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



**GUYANA**

**BILL No. 1 of 2007**

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

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. Amendment of Title of Principal Act.
3. Amendment of section 2 of Principal Act.
4. Amendment of section 7 of Principal Act.
5. Amendment of section 11 of Principal Act.
6. Amendment of section 12 of Principal Act.
7. Amendment of section 15 of Principal Act.
8. Amendment of section 16 of Principal Act.
9. Amendment of section 18 of Principal Act.
10. Amendment of section 19 of Principal Act.
11. Amendment of section 29 of Principal Act.
12. Amendment of section 32 of Principal Act.
13. 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  
Title of  
Principal Act

2. The Title of the Principal Act is amended by inserting, after the word "importation", the word "exportation".

Amendment of  
section 2 of  
Principal Act

3. Section 2 of the Principal Act is amended by inserting, after paragraph (l), the following paragraph:

"(la) "exporter", in relation to a product to be exported from Guyana, includes any person who, whether as an owner, consignor, agent, or broker, is in possession of the product or in any way entitled to the custody or control of it."

A BILL

Amendment of section 7 of Principal Act

4. Section 7 of the Principal Act is amended-

- (a) by inserting in paragraph (b), after the word "import", the words "and export"; and
- (b) by inserting in paragraph (f), after the word "importation" the words "and exportation".

Amendment of section 11 of Principal Act

5. Section 11 of the Principal Act is amended by inserting, after the word "import", the words "and export".

Amendment of section 12 of Principal Act

6. Section 12 of the Principal Act and the associated marginal note are amended by omitting the words "or import" in both places where they occur, and substituting in each case the words "import or export".

Amendment of section 15 of Principal Act

7. Section 15 of the Principal Act is amended by inserting, after the word "import", the words "and export".

Amendment of section 16 of Principal Act

8. Section 16(1) of the Principal Act is amended by inserting, after the word "import", the words "and export".

Amendment of  
section 18 of  
Principal Act

9. Section 18 of the Principal Act is amended -

- (a) by inserting in the associated marginal note, after the word "imported", the words "or exported"; and
- (b) by adding the following subsections:

"(3) Except as provided by the regulations, no controlled product may be exported from Guyana unless the product wholly conforms to the law of the country to which it is exported and is accompanied by a certificate from the Regulatory Agency in the prescribed form and manner that the product does not contravene any known requirement of that country.

(4) In this section, "Regulatory Agency" means, -

- (a) In relation to product to be imported into Guyana from another country, the governmental or other agency that regulates the manufacture or production of controlled products in that country; and
- (b) In relation to product to be exported from Guyana to another country, the governmental or other agency that regulates the importation of controlled products into that country; and
- (c) If there is no such agency as described in paragraph (a) or (b) in relation to a country, the governmental agency responsible for implementing controlled products legislation in that country."

Amendment of  
section 19 of  
Principal Act

10. Section 19 of the Principal Act is amended -

(a) by omitting subsection (1), and substituting 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”; and

(b) by omitting from subsection (2) the words “the list of specified prohibited pesticides”, and substituting the words “or repeal an order made under subsection (1)”; and

(c) by omitting subsection (3), and substituting 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

11. Section 29 of the Principal Act is amended -

- (a) by omitting the words "imported into" from subsection (1), and substituting the words "to be imported into and/or exported from"; and
- (b) by inserting in subsection (2), after the word "importer", the words "or exporter (as the case may be)"; and
- (c) by omitting subsection (3), and substituting the following subsections:

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

- (a) if it appears from the report of the inspector or analyst that 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 may, subject to any other law, be admitted into Guyana for use as a controlled product.

(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 importation of the product into that country would contravene that country's laws, the product must not be exported from Guyana; and
- (b) otherwise, the product may, subject to any other law, be permitted to be exported to that country"; and

(d) by adding the following subsection:

Amendment of  
section 32 of  
Principal Act

12. Section 32 of the Principal Act is amended –

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

Amendment of  
section 34 of  
Principal Act

13. Section 34 of the Principal Act is amended by inserting in paragraph (a), after the word “imports”, the words “and exports”.

**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.

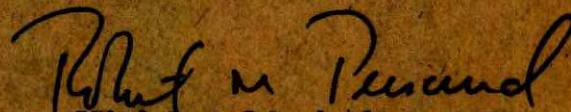
**Clause 9** amends Section 19 of the Principal Act to allow the Minister to make and Order (after consulting with the Board) to prohibit the exportation of controlled products specified in the Order, and simultaneously to Order the withdrawal from sale and the disposal of such products.

**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

  
**Minister of Agriculture**