

**Fifth Session Second Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 11 of 1986

[L.S.]

**AN ACT to amend the Pesticides and Toxic Chemicals
Act, 1979**

[Assented to 25th July, 1986]

WHEREAS it is enacted by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in subsection (2) of the said section 13, that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

NOW, THEREFORE, BE IT ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title

1. (1) This Act may be cited as the Pesticides and Toxic Chemicals (Amendment) Act, 1986.

Act at variance with Constitution

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Act No. 42 of 1979 amended

2. The Pesticides and Toxic Chemicals Act, (hereinafter referred to as "the Act") is amended.

Section 3 amended

3. The Act is amended in section 3 by—

- (a) substituting for the word "four" occurring in line one of paragraph (f), the word "five";
- (b) (i) deleting the words "and" appearing at the end of (f) (iii).
- (ii) substituting a "semi-colon" and the word "and" for the full-stop at the end of subparagraph (iv).
- (iii) Renumbering subclauses (b) and (c) as (c) and (d).
- (c) substituting for the word "three" occurring in line four of subsection (7) the word "four".

Section 4 amended

4. The Act is amended in section 4 by—

- (a) introducing new paragraphs as follows—
 - “(a) to determine all applications for registration, licences, research permits, and general research permits, within a reasonable time after the applications are received;

- (b) to grant, or cancel registration, licences, or permits in circumstances where the Board deems it fit to do so.”;
- (b) re-lettering paragraphs (a), (b), (c) to read (c), (d), (e);
- (c) introducing new subsections (4) and (5) as follows—
- “Appeals (4) There shall be an appeals tribunal (hereinafter referred to as ‘The Tribunal’) the function of which shall be to hear and determine appeals from the decision of the Board.
- (5) The Tribunal shall comprise—
- (a) the Permanent Secretary of the Ministry responsible for the administration of matters relating to health;
- (b) the Permanent Secretary of the Ministry responsible for the administration of matters relating to agriculture; and
- (c) a person with specialised knowledge in pesticides and toxic chemicals or in occupational medicine or industrial hygiene, appointed by the Minister.”;
- (d) introducing a new section 4A as follows—
- “Prohibitions 4A. (1) Subject to subsection (3) no person shall—
- (a) manufacture, import, sell, use, store in marketable quantities or transport a controlled

- product unless the product is registered as prescribed;
- (b) import a controlled product, unless the person is the holder of an import licence obtained in the manner prescribed;
 - (c) store a controlled product in marketable quantities, unless the premises in which the controlled product is stored, is registered as prescribed;
 - (d) manufacture, import, use, store in marketable quantities dispose of or transport a controlled product unless the person does so in the prescribed manner;
 - (e) carry on the business of a pest control operator without a licence obtained under this Act.

(2) A person is deemed to store a controlled product in marketable quantities when there are on premises occupied by him larger quantities of a controlled product than would reasonably be necessary for his domestic use.

(3) The provisions of subsections (1) and (2) above take effect either—

- (a) one hundred and twenty days after the coming into force of this Act; or

(b) where an application for registration or for a licence is made within one hundred and twenty days after the coming into force of this Act on the determination of the application by the Board.”.

5. The Act is amended in section 5 by inserting before the word “Food” appearing in line two of subsection (1), the word and symbol “Chemistry/”.

Section 5
amended

6. The Act is amended in section 8—

Section 8
amended

(a) by repealing subsections (2) and (3) and by replacing them as follows—

“ (2) (a) Where an inspector has reasonable grounds to believe that an offence has been, is being, or is likely to be committed under this Act, he may before entering any vehicle, land or premises for the purpose of searching and confiscating any article therein, obtain a warrant issued by a magistrate.

(b) Where premises or any part thereof, are used as a dwelling house the inspector shall obtain a warrant before entering those premises or as the case may be, that part of the premises used as a dwelling house.

(c) Before an inspector enters any place or vehicle in circumstances where he has not obtained a warrant, he shall produce to the occupier or person in charge of the place or vehicle, his certificate of designation, or some other duly authenticated document showing that he is an inspector.

(3) Where any item has been seized and detained for the purpose of an examination, and it is found that no offence has been committed under this Act, in relation to these goods, the goods shall be returned to the owner within a reasonable time thereafter.”;

(b) by renumbering subsections (3) and (4) to read (4) and (5) respectively.

Section 13
amended

7. The Act is amended in section 13, by repealing and replacing paragraphs (a) and (b) of subsection (1) as follows—

“(a) contravenes the provisions of this Act;

(b) breaches any conditions subject to which a controlled product is registered or a licence was granted to him under the regulations;”

Section 15
amended

8. The Act is amended in section 15 by deleting the words “or the subject matter of the prosecution arose” occurring in lines three and four and the words “or happens to be” occurring in line five thereof.

Passed in the Senate this 14th day of January, 1986.

R. L. GRIFFITH
Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate that is to say by the votes of 21 Senators.

R. L. GRIFFITH
Clerk of the Senate

Passed in the House of Representatives this 4th day of July, 1986.

J. E. CARTER
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House that is to say by the votes of 27 members of the House.

J. E. CARTER
Clerk of the House

