

AGRICULTURAL CHEMICALS BILL

EXPLANATORY NOTE

THE purpose of this Bill is to make provisions regulating the sale and use of agricultural chemicals and to promote the use of those agricultural chemicals which are safe, efficient, and the best available in the circumstances.

An agricultural chemical is a substance used to protect plant life from injury or to cure plant diseases or to destroy or influence plant growth. It includes substances used for destroying or repelling animal pests but does not include agricultural lime or any fertiliser unless the fertiliser is mixed with an agricultural chemical.

Clause 4 constitutes an Agricultural Chemicals Board consisting of ten members including a Registrar. Four members of the Board, including the Chairman, will be members nominated by Ministers administering various Departments of State and five will be nominated by interested organisations. The Registrar will be an officer of the Department of Agriculture.

Clause 5 provides for the term of office of members, *clause 6* for deputies, and *clause 7* for meetings of the Board.

Clause 8 makes provision for the appointment of temporary members who will assist the Board but will have no voting rights.

Clause 9 provides for the appointment of Advisory and Technical Committees to which may be delegated various functions of the Board.

Clause 10 provides for the payment of fees and travelling allowances.

Clause 11 prescribes the functions of the Board, which are generally to promote the welfare of the agricultural and horticultural industries in connection with the use of agricultural chemicals and to deal with applications for registration under the proposed Act.

Clause 12 prohibits the sale of agricultural chemicals unless they are registered or provisionally registered.

Clause 13 provides for applications for registration. Applications will be made by the proprietor who, in cases where the chemical is made in New Zealand, is the person who, as owner, is responsible for preparing the product for sale or, if not made in New Zealand, is the importer. Applications will be accompanied by specimens of labels and by a statement containing prescribed details relating to the composition of the agricultural chemical.

Clause 14 requires the Board to grant or refuse applications for registration.

Clause 15 provides for labelling. Agricultural chemicals will require to be sold in packages to which are attached labels acceptable to the Board. Specimen labels are required to be submitted with applications for registration and the Board may require modification if the labels are not satisfactory within prescribed limits.

Clause 16 provides for provisional registration. Provisional registration will be granted where it is desirable that the chemical be used to a limited extent for trial. Provisional registration will be for a limited period and may be subject to conditions.

Clause 17 prescribes the circumstances in which the Board may refuse registration.

Clause 18 provides for the renewal of registration. The Board may call for renewal if, in its opinion, it is desirable, because of changed circumstances or of information gained since registration, that the question of registration be reviewed. The clause will also give the Board an opportunity to purge the register when an agricultural chemical is not being made or marketed. Where the Board calls for an application for renewal, the application will be dealt with as if it were an original application for registration. Unless renewal is required, registration will continue in force.

Clause 19 provides for the revocation of registration. Revocation will only take place if the Board is satisfied that the use of the product is likely to be seriously dangerous to humans, livestock, or beneficial plants or insects.

Clause 20 provides for appeals from decisions of the Board refusing applications for registration or revoking registration.

Clause 21 prescribes that in every sale of an agricultural chemical there shall be implied a warranty to the effect that the composition of the product is in accordance with the particulars in the label relating thereto.

Clause 22 authorises the Board to require the modification of advertisements relating to agricultural chemicals where these are considered to be inaccurate or misleading.

Clause 23 makes it an offence to sell agricultural chemicals differing materially from the composition contained in the application for registration.

Clause 24 provides for amendment of the register where the proprietor has transferred his rights in respect of an agricultural chemical.

Clause 25 prescribes transition provisions in respect of agricultural chemicals being lawfully made and sold at the commencement of the proposed Act. It is proposed that these chemicals may continue to be sold until a notice in the *Gazette* requires the proprietor to apply for registration. Pending the determination of the application the chemical may continue to be sold. A right is reserved in the clause to prohibit the sale of any agricultural chemical where its use is likely to prove dangerous.

Clause 26 permits regulations to be made providing for the licensing of persons engaged commercially in the application of agricultural chemicals.

The remainder of the Bill provides machinery for the administration of the proposed legislation.

Hon. Mr Skinner

AGRICULTURAL CHEMICALS

ANALYSIS

Title	
1. Short Title and commencement	19. Revocation of registration
2. Interpretation	20. Appeals
3. Application of Act	21. Warranties
4. Agricultural Chemicals Board	22. Advertisements
5. Terms of office of members	23. Offence to sell agricultural chemical not in accordance with registered composition
6. Deputies of members	24. Transfer of rights of proprietor
7. Meetings of Board	25. Transition provisions
8. Temporary members	26. Licensing of persons engaged commercially in application of agricultural chemicals
9. Advisory and Technical Committees	27. Expenses of administration
10. Fees and travelling allowances	28. Appointment of Analysts and Inspectors
11. Functions of Board	29. Regulations
12. Registration	30. Other Acts not affected
13. Application for registration	31. Act to be administered by Department of Agriculture
14. Grant or refusal of application	32. Repeal
15. Labelling	
16. Provisional registration	
17. Refusal of application	
18. Board may require renewal of registration	

A BILL INTITULED

An Act to make better provision for controlling the sale and use of agricultural chemicals

BE IT ENACTED by the General Assembly of New Zealand
5 in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Agricultural Chemicals Act 1959.

(2) This Act shall come into force on the first day of
10 January, nineteen hundred and sixty.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Agricultural chemical” means any substance, whether mixed with any other substance or not, sold for the purpose of protecting any form of plant life from injury caused by any organism or virus, or for the purpose of curing any such injury or any disorder of plant life of a physiological nature, or for the purpose of destroying, preventing, stimulating, or in any other way influencing, the growth of any form of plant life; and includes any rodenticide and any substance which the Governor-General by Order in Council declares to be an agricultural chemical for the purposes of this Act; but does not include agricultural lime nor any fertiliser not mixed with an agricultural chemical:

“Board” means the Agricultural Chemicals Board constituted under this Act:

“Director-General” means the Director-General of Agriculture:

“Fertiliser” means a fertiliser as defined in the Fertilisers Act 1927; and includes animal manure and crude refuse treated for the purpose of being applied to the land for its enrichment:

“Inspector” means an Inspector appointed under this Act:

“Label” includes any brand or writing on any agricultural chemical or on any package in which an agricultural chemical is packed:

“Livestock” means cattle, sheep, horses, and swine:

“Manufacturer”, in relation to an agricultural chemical means the person who, as owner, packs or causes to be packed the agricultural chemical for sale; and “to manufacture” has a corresponding meaning:

“Minister” means the Minister of Agriculture:

“To pack” includes every means of packing, casing, covering, enclosing, or containing an agricultural chemical:

“Package” includes any thing in which an agricultural chemical is packed:

“Proprietor”, in relation to an agricultural chemical manufactured in New Zealand, means the manufacturer thereof, and in relation to an agricultural chemical not manufactured in New Zealand, means the importer thereof:

“Registrar” means the Registrar of the Board appointed under this Act:

“Registration” means registration under this Act, and includes provisional registration, and “to register” has a corresponding meaning:

5 “Rodenticide” means any substance, whether mixed with any other substance or not, sold for the purpose of destroying or repelling rabbits, hares, or opossums, or animals of the order *Rodentia*, or any other animals prescribed from time to time in that behalf by the Governor-General by Order in Council:

10 “Sale” includes barter, and also includes offering, exposing, or attempting to sell, or having in possession for sale, or delivering by way of gift or sample, or causing or allowing to be sold; and “to sell” has a corresponding meaning.

15 **3. Application of Act**—The Minister may from time to time, on the recommendation of the Board, by notice in the *Gazette*, exempt any agricultural chemical from such of the provisions of this Act as may be specified in the notice.

20 **4. Agricultural Chemicals Board**—(1) There is hereby established for the purposes of this Act a Board, to be called the Agricultural Chemicals Board.

(2) The Board shall consist of—

- (a) One person, to be nominated by the Minister of Agriculture, who shall be Chairman of the Board:
- 25 (b) One person to be nominated by the Minister in Charge of the Department of Scientific and Industrial Research:
- (c) One person to be nominated by the Minister of Health:
- 30 (d) One person to be nominated by the Minister of Industries and Commerce:
- (e) One person to be nominated by the New Zealand Agricultural Chemical Manufacturers’ Federation:
- (f) One person to be nominated by the Federated Farmers of New Zealand, Incorporated.
- 35 (g) One person to be nominated by the New Zealand Fruit-growers’ Federation:
- (h) One person to be nominated by the New Zealand Vegetable and Produce Growers’ Federation:
- (i) One person to be nominated by the National Beekeepers’ Association of New Zealand, Incorporated:
- 40 (j) The Registrar, who shall be an officer of the Department of Agriculture.

(3) The members of the Board shall be appointed by the Governor-General on the recommendation of the Minister.

5. Terms of office of members—(1) The Registrar shall hold office during the pleasure of the Governor-General.

(2) Except as otherwise provided by this Act, every member of the Board shall hold office for a term of three years, but may from time to time be reappointed.

(3) Any member of the Board may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister.

(4) If any appointed member of the Board dies, or resigns, or is removed from office, his office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.

(5) In the case of an extraordinary vacancy, the Governor-General may appoint some qualified person to fill the vacancy. Any such appointment shall be made in the same manner as the appointment of the vacating member. Every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

(6) Notwithstanding anything to the contrary in this Act, every member of the Board, unless he sooner vacates his office, shall continue in office until his successor comes into office.

(7) The powers of the Board shall not be affected by any vacancy in the membership thereof.

6. Deputies of members—(1) In any case in which the Minister is satisfied that any member of the Board, other than the Registrar, is incapacitated by illness or absence or from other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for that member during his incapacity.

(2) Any deputy appointed under subsection one of this section shall be nominated by the person or body nominating the incapacitated member.

(3) In the case of the incapacity of the Registrar, any officer of the Department of Agriculture may be appointed the Director-General to act as deputy for the Registrar during his incapacity.

(4) Any deputy appointed under this section shall, while he acts as such, be deemed to be a member of the Board, and any deputy acting for the Chairman or the Registrar shall have all the powers of the Chairman or the Registrar, as the case may be.

(5) No appointment of a deputy and no acts done by him as such, and no acts done by the Board while any deputy is acting as such, shall be questioned in any proceedings on the ground that the occasion for his appointment had not arisen or had ceased.

7. Meetings of Board—(1) The first meeting of the Board shall be held on a day appointed by the Minister.

(2) Subsequent meetings of the Board shall be held at such times and places as the Board from time to time determines.

10 (3) The Chairman, or any two members, may at any time call a special meeting of the Board.

(4) At all meetings of the Board the quorum necessary for the transaction of business shall be five members.

15 (5) The Chairman shall preside at all meetings of the Board at which he is present. In the absence from any meeting of the Chairman or his deputy, the members present shall appoint one of their number to be Chairman at that meeting.

(6) At any meeting the Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(7) All questions arising at any meeting of the Board shall be decided by a majority of valid votes of members recorded thereon.

25 (8) Subject to the provisions of this Act and of any regulations made thereunder, the Board may regulate its procedure in such manner as it thinks fit.

8. Temporary members—(1) The Board may from time to time appoint temporary members, to hold office for such period as may be specified in each case, for the purpose of assisting it in the exercise of its functions under this Act.

(2) Any appointment under this section may at any time be revoked by the Board.

(3) During the period of their appointment temporary members shall be deemed to be members of the Board:

35 Provided that no temporary member shall be entitled to vote on any question before the Board.

9. Advisory and Technical Committees—(1) The Board may from time to time appoint such Advisory or Technical Committees as it thinks fit to advise the Board on such matters relating to the exercise of its functions as are referred to them by the Board, and may from time to time delegate to any such Committee any of its powers, duties, or functions.

(2) Any person may be appointed under this section to be a member of a Committee notwithstanding that he is not a member of the Board.

(3) The chairman of each Committee appointed under this section shall be an officer of the Public Service appointed by the Board from its members. 5

(4) Every Committee appointed under this section shall be subject in all things to the control of the Board and may at any time be discharged, altered, or reconstituted by the Board. 10

(5) Any delegation under this section may at any time be revoked by the Board.

10. Fees and travelling allowances—(1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 15

(2) There may be paid to members of the Board, including temporary members, and of any Committee appointed by the Board, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 20

11. Functions of Board—(1) The principal functions of the Board shall be generally to promote the welfare of the agricultural and horticultural industries by ensuring that any agricultural chemicals used in those industries are efficient and used safely, and to consider and determine applications under this Act for the registration of agricultural chemicals. 25

(2) The Board shall have all such powers, rights, and privileges as may reasonably be necessary or expedient to enable it to carry out its functions and, in particular, and without limiting the generality of the provisions of subsection one of this section, it may from time to time— 30

(a) Promote the carrying out of any research or experimental work with a view to testing or improving agricultural chemicals: 35

(b) Promote and organise, by such means as the Board thinks fit, the dissemination of information in relation to the safe and efficient use of agricultural chemicals:

(c) Take such steps as it may consider appropriate in the circumstances to ensure or encourage the use of those agricultural chemicals which are the best available for the purpose for which they are sold: 40

- 5 (d) Make such recommendations to the Minister with respect to such matters and questions in relation to the registration, testing, and use of agricultural chemicals as it thinks fit, or as may be submitted to it by the Minister.

12. Registration—(1) Subject to the provisions of this Act, the proprietor of any agricultural chemical shall not sell the agricultural chemical unless it is registered or provisionally registered in accordance with the provisions of this Act.

- 10 (2) Every proprietor who sells, whether by wholesale or retail, any agricultural chemical which is not registered or provisionally registered as aforesaid, or who sells any agricultural chemical which has been provisionally registered otherwise than in accordance with the terms and conditions attaching to
15 the provisional registration, commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

13. Application for registration—(1) Every application for registration of an agricultural chemical shall be made by the
20 proprietor to the Registrar on a form provided for the purpose.

(2) Every such application shall be verified by the statutory declaration of the applicant and shall be accompanied by the prescribed fee and by two specimen copies of every label which it is intended to use in respect of the agricultural chemical.

- 25 (3) Every applicant under this section shall, if required to do so by the Board, deposit with the Board a statement setting forth—

- (a) The formula of the agricultural chemical sought to be
30 registered:
(b) The method or methods of analysis to be used in the chemical examination of the agricultural chemical:
(c) Such experimental or other evidence as the Board may require in support of any statement contained in the
35 application or in any copy of a label deposited with the application.

- 14. Grant or refusal of application**—(1) The Board may, after duly considering an application therefor, grant or refuse an application for registration or provisional registration or it
40 may grant provisional registration of an agricultural chemical in respect of which an application for full registration has been made.

(2) Where an agricultural chemical is registered or provisionally registered, the Board shall issue to the proprietor a numbered certificate of registration.

(3) No certificate of registration shall be issued unless the label relating to the agricultural chemical has been accepted by the Board under section fifteen of this Act. 5

15. Labelling—(1) Every agricultural chemical registered under this Act shall be sold in a package to which is attached a label which has been accepted by the Board and which shows clearly and distinctly the following particulars: 10

- (a) The name and address of the proprietor or the name or proprietary brand of the agricultural chemical:
- (b) The registered number of the certificate of registration relating to the agricultural chemical:
- (c) Such particulars of the chemical composition of the agricultural chemical as may be prescribed by regulations under this Act: 15
- (d) The net weight or net quantity of the agricultural chemical:
- (e) The preventive or remedial properties claimed in respect of the agricultural chemical, and directions for its use: 20
- (f) Such precautionary advice as may be required by the Director-General of Health for the purpose of safeguarding the health of human beings: 25
- (g) Such precautionary advice as may be required by the Board for the purpose of safeguarding the health of livestock or beneficial insects (including bees), or fish:
- (h) Such advice as may be required by the Board for the purpose of avoiding damage to beneficial plants: 30
- (i) Such other matter as the Board may direct in any particular case.

(2) If the Board is of the opinion that any label submitted with an application for the registration of an agricultural chemical is misleading, inaccurate, inadequate, or not in conformity with the provisions of this Act or regulations thereunder, it may require the proprietor to amend or modify the label. 35

(3) When the Board is satisfied that the label is in conformity with the provisions of this Act and regulations thereunder and that any requirement which may have been made under subsection two of this section has been complied with, it shall notify the proprietor in writing that the label has been accepted. 40 45

(4) During the period of registration of any agricultural chemical, the label accepted under this section in respect thereof shall not be altered in any material respect unless the alteration has been notified to and accepted by the Board.

5 (5) No reference shall be made in any label or in any advertisement to the registration of any agricultural chemical under this Act or to its acceptance by the Board, except a reference to the registered number of the certificate of registration in accordance with paragraph (b) of subsection one of this
10 section.

(6) Every person who sells any registered agricultural chemical otherwise than in a package to which is attached a label for the time being accepted by the Board in accordance with this section, commits an offence against this Act and shall
15 be liable on summary conviction to a fine not exceeding fifty pounds.

(7) Every person who, while any agricultural chemical is in his possession for sale, removes, defaces, or alters any label relating to the agricultural chemical, commits an offence
20 against this Act and shall be liable on summary conviction to a fine not exceeding twenty pounds.

16. Provisional registration—(1) Provisional registration may be granted by the Board in cases where, in its opinion, it is desirable that the agricultural chemical be distributed or
25 sold to a limited extent for trial or experimental purposes.

(2) Provisional registration may be subject to such terms and conditions as may be prescribed in the certificate of registration.

(3) The Board may grant provisional registration of any
30 agricultural chemical which is prepared from a formula prescribed by and in accordance with the written instructions of an intending purchaser:

Provided that no agricultural chemical shall be provisionally registered under this subsection unless it is substantially
35 different in strength or in composition from any agricultural chemical for the time being available for purchase by the public.

(4) Subject to the provisions of section eighteen of this Act, provisional registration shall remain in force for a period
40 of three years from the date of the issue of the certificate of provisional registration or for such extended period as may be specified in the certificate:

Provided that the Board may, before the expiration of any such period, pursuant to an application in that behalf, grant full registration of the agricultural chemical and cancel the certificate of provisional registration.

17. Refusal of application—The Board may refuse registration of any agricultural chemical which— 5

- (a) Is likely, in the opinion of the Board, to be materially prejudicial to the health or safety of human beings, livestock, or beneficial plants or insects; or
- (b) Having regard to its composition and the purpose for which it is intended to be used is, in the opinion of the Board, of insufficient value as an agricultural chemical; or 10
- (c) Does not comply with any standard prescribed in that behalf by regulations under this Act; or 15
- (d) For any reason which appears sufficient to the Board ought not to be registered.

18. Board may require renewal of registration—(1) If the Board is satisfied—

- (a) That any agricultural chemical is not being prepared in accordance with the formula or method of preparation specified in that behalf in the application for registration; or 20
- (b) That an agricultural chemical no longer conforms to standards prescribed by regulations under this Act; or 25
- (c) That, having regard to experience gained or discoveries made since the date of registration, it is desirable that the Board should review the application for registration of any agricultural chemical; or 30
- (d) That any agricultural chemical is not being manufactured or imported and is no longer available for purchase in New Zealand—

it may, by notice in writing addressed to the proprietor, require the proprietor to make an application for renewal of registration within such time as may be specified in the notice. 35

(2) If the proprietor fails to make an application for renewal within the specified time, or within such further period as the Board may in any case allow, the registration of the agricultural chemical shall be deemed to be revoked. 40

(3) The Board shall not require an application for renewal under subsection one of this section earlier than four years after the date of registration of the agricultural chemical.

(4) Every application for renewal under this section shall be made by the proprietor to the Registrar on a form provided for the purpose.

5 (5) The provisions of sections thirteen to seventeen of this Act shall apply to an application for renewal of registration in all respects as if the application were an original application for registration.

(6) Where an application for renewal of registration is refused, the registration of the agricultural chemical shall 10 remain in force for one year after the date of the refusal and shall then be deemed to be revoked:

Provided that if the application is for the renewal of provisional registration, the provisional registration shall be 15 in that behalf.

(7) The renewal of the registration of any agricultural chemical shall have effect in all respects as if it were the grant of an original application for registration.

20 (8) In granting any renewal of registration the Board may either endorse the existing certificate of registration or issue a new certificate, but any such certificate shall show on the face thereof that it is issued in respect of the renewal of a certificate.

25 (9) Nothing in this section shall be deemed to prejudice or limit the powers of the Board under section nineteen of this Act to revoke the registration of any agricultural chemical.

19. Revocation of registration—(1) If the Board is satisfied 30 that the use, in the circumstances in which it is normally used or is likely to be used, of any agricultural chemical registered under this Act is likely to be materially prejudicial to the health or safety of human beings, livestock, or beneficial plants or insects, the Board may, by notice in writing addressed to the proprietor, revoke the registration.

35 (2) Every revocation of registration of an agricultural chemical under this section shall be noted in the appropriate register and notified in the *Gazette*.

20. Appeals—(1) There shall be a right of appeal within 40 twenty-eight days after the date of the decision appealed against from the whole or any part of any decision of the Board refusing an application for registration or renewal of registration of any agricultural chemical, or revoking the registration of any agricultural chemical, on the grounds that, having regard to the provisions of this Act, the decision 45 of the Board was not reasonably arrived at.

(2) Every such appeal shall be made in the prescribed manner to an Appeal Authority consisting of a Magistrate and two assessors, of whom one shall be appointed by the Board and one by the appellant.

(3) On any appeal under this section the Appeal Authority shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and all the provisions of that Act shall apply accordingly. 5

(4) On the hearing of the appeal the Appeal Authority, whose decision shall be final, may— 10

(a) Confirm the decision of the Board:

(b) Reverse the decision of the Board subject to such modifications and conditions as the Appeal Authority thinks fit.

(5) The Board shall take such action as may be necessary to give effect to any decision of the Appeal Authority under this section. 15

(6) There shall be paid to each assessor appointed under this section fees and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the assessors were members of a statutory Board within the meaning of that Act. 20

21. Warranties—(1) In every sale or contract for the sale of any agricultural chemical there shall be implied a warranty by the proprietor (whether or not he is otherwise a party to the sale or contract) to the purchaser that at the time of the sale the composition of the agricultural chemical is in accordance with the particulars set forth in the label relating to the agricultural chemical. 25 30

(2) In every sale or contract of sale of any agricultural chemical prescribed in that behalf by the Board by notice in the *Gazette* there shall be implied a warranty by the proprietor (whether or not he is otherwise a party to the sale or contract) to the purchaser that at the time of the sale the ingredients of which the agricultural chemical is composed are evenly distributed throughout the product. 35

(3) The fact that an agricultural chemical is registered or provisionally registered, or that a label has been accepted by the Board, in accordance with this Act, shall not be deemed to imply a warranty by the Government or by the Board that the agricultural chemical is reasonably fit for the purpose for which it is sold or that any statement contained in any such label is correct. 40

22. **Advertisements**—(1) Where the Board is satisfied that any advertisement published in respect of any agricultural chemical contains any inaccurate or misleading statement, it may direct any proprietor or vendor responsible for the advertisement to omit or to modify or vary the statement in such manner as the Board may direct.

(2) Every person who, having received a direction from the Board under subsection one of this section, fails to comply with the direction, commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

23. **Offence to sell agricultural chemical not in accordance with registered composition**—Every proprietor who sells any agricultural chemical the composition of which differs materially from the description of the composition contained in the label accepted in respect thereof under this Act commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

24. **Transfer of rights of proprietor**—(1) Where, during the period of registration of an agricultural chemical, the proprietor ceases to be the manufacturer or, as the case may be, the importer thereof, he shall notify the Registrar in writing to that effect.

(2) The Board, pursuant to an application by any person who has acquired such rights in respect of an agricultural chemical as would entitle him to apply for registration thereof, may cause the register to be amended so as to show the name of the present proprietor subject to such conditions as to the alteration of the label as the Board thinks fit.

(3) On the amendment of the register under this section, the person shown in the register as the proprietor of an agricultural chemical shall, from the date of the amendment, be deemed in all respects to be the proprietor for the purposes of this Act.

25. **Transition provisions**—(1) Notwithstanding the provisions of this Act, where an agricultural chemical is being lawfully sold immediately before the commencement of this Act under a name or proprietary brand, it may, subject to the provisions of this section, continue to be sold under that name or brand without being registered under this Act.

(2) The Minister may, by notice in the *Gazette*, require the registration of any agricultural chemical or any class of agricultural chemicals to which subsection one of this section applies within such time as may be specified in the notice.

(3) Where a notice has been published under subsection two of this section, the proprietor of any agricultural chemical to which the notice relates shall apply under this Act for registration of the agricultural chemical within the time specified in that behalf in the notice. 5

(4) Pending the determination of any application under subsection three of this section, any agricultural chemical to which the application relates may be sold without being registered under this Act. 10

(5) Notwithstanding the provisions of this section, the Minister may, by notice in the *Gazette*, prohibit the sale of any agricultural chemical to which subsection one of this section applies if he is of the opinion that the use of the agricultural chemical in the circumstances in which it is normally used or likely to be used is likely to be materially prejudicial to the health or safety of human beings, livestock, or beneficial plants or insects. 15 20

(6) No person shall sell, whether by wholesale or retail, any agricultural chemical in respect of which a notice has been published under subsection two of this section after the date fixed by the notice unless— 25

(a) An application for registration of the agricultural chemical has been made under subsection three of this section and not determined; or

(b) The agricultural chemical has been registered pursuant to an application under the said subsection three. 30

(7) Every proprietor who sells any agricultural chemical contrary to the provisions of a notice under subsection five of this section or contrary to the provisions of subsection six of this section commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding one hundred pounds. 35

26. Licensing of persons engaged commercially in application of agricultural chemicals—(1) The Governor-General may, by regulations under this Act, provide for the licensing of persons engaged, for hire or reward, in the application of agricultural chemicals. 40

(2) Any such regulations may provide for the payment of fees in respect of the application for and grant of licences, the terms and conditions subject to which licences may be granted, refused, renewed, varied, suspended, or revoked, the
5 compulsory insurance by licensees against claims in respect of damage to property, and such other matters as the Governor-General considers necessary for the purpose of ensuring the safe and efficient application of agricultural chemicals by commercial operators.

10 **27. Expenses of administration**—All fees and other money paid under this Act shall be paid into the Public Account, and shall form part of the Consolidated Fund, and all expenses incurred in respect of the administration of this Act shall be
15 paid out of money from time to time appropriated by Parliament for the purpose.

28. Appointment of Analysts and Inspectors—There may from time to time be appointed under the Public Service Act 1912 such Analysts and Inspectors as are required for the purposes of this Act.

20 **29. Regulations**—(1) The Governor-General may from time to time, by Order in Council, make regulations in regard to any matter or for any purpose for which regulations are prescribed or contemplated by this Act, and may make all
25 such other regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the general power conferred by subsection one of this section, it is hereby declared that regulations
30 may be made under this section for all or any of the following purposes:

- (a) Prescribing the fees payable under this Act:
- (b) Prescribing the powers and duties of Analysts and Inspectors:
- 35 (c) Prescribing particulars to be furnished with applications for registration of agricultural chemicals and for the acceptance of labels:
- (d) Prescribing limits of error allowable in setting out in applications for registration and in labels the proportions of ingredients or components in any agricultural chemical:
- 40 (e) Prescribing standards of quality, purity, strength, weight, or quantity of any agricultural chemical or of any ingredient or component thereof:

- (f) Prescribing methods of taking samples and of conducting analyses in respect of agricultural chemicals:
 - (g) Providing for the colouring of prescribed agricultural chemicals:
 - (h) Prescribing the form and nature of precautionary advice to be contained in labels for agricultural chemicals: 5
 - (i) Regulating, prohibiting, or restricting the method and time of application of any specified agricultural chemical, or its preparation, or its concentration in any area or on any particular crop: 10
 - (j) Prescribing fines, not exceeding fifty pounds in any case, for failure to comply with the provisions of any regulations under this Act.
- (3) All regulations under this section shall be laid before Parliament within twenty-eight days after their making if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session. 15

30. Other Acts not affected—Nothing in this Act shall be construed to limit the provisions of the Poisons Act 1934, or of the Food and Drugs Act 1947, or of the Health Act 1956, or of the Patents Act 1953, or of the Trade Marks Act 1953, or of the Designs Act 1953, or of any other Act. 20

31. Act to be administered by Department of Agriculture—The Schedule to the Department of Agriculture Act 1953 is hereby amended as follows: 25

- (a) By omitting the words “The Fungicides and Insecticides Act 1927. (Reprint of Statutes, Vol. I, p. 115)”:
- (b) By inserting, after the reference to the Agricultural and Pastoral Societies Act 1908, the words “The Agricultural Chemicals Act 1959”. 30

32. Repeal—The Fungicides and Insecticides Act 1927 is hereby repealed.