

LEGAL NOTICE NO. 101

THE PEST CONTROL PRODUCTS ACT

(Cap. 346)

THE PEST CONTROL PRODUCTS (IMPORTATION AND
EXPORTATION) REGULATIONS, 2024

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THE PEST CONTROL PRODUCTS ACT

(Cap. 346)

IN EXERCISE of the powers conferred by section 15 of the Pest Control Products Act, the Cabinet Secretary for Agriculture and Livestock Development, after consultation with the Pest Control Products Board, makes the following Regulations—

THE PEST CONTROL PRODUCTS (IMPORTATION AND EXPORTATION) REGULATIONS, 2024

1. These Regulations may be cited as the Pest Control Products (Importation and Exportation) Regulations, 2024. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“commodity aid” means pest control products that are imported as donations, aid, charity and not for profit;

“export” means moving a pest control product to another country for sale or any other purpose;

“formulation” means the process of combining active and inert ingredients designed to render a pest control product useful and effective for the purpose claimed;

“import” means bringing a pest control product into the country;

“manufacture” means the process of making a technical grade;

“permit” means the official document issued upon authorisation of importation or exportation of a consignment;

“re-export” means exporting a pest control product in the same state as previously imported; and

“resale” means selling a pest control product that has been previously sold.

3. (1) The object of these Regulations is to provide a framework for the importation and exportation of pest control products. Object of the Regulations.

(2) Without prejudice to the generality of sub-regulation (1), the object of these Regulations is to provide for the—

- (a) requirements for the issuance of permits for the importation and exportation of pest control products for commercial purposes;
- (b) requirements for importation of samples of pest control products for research purposes;
- (c) procedures for the transfer, suspension and cancellation of imports and export permits; and
- (d) prohibition of importation of non-compliant pest control products.

4. These Regulations shall apply to the importation, exportation and re-exportation of pest control products. Application.

5. (1) Subject to section 4 of the Act, no person shall import, export or re-export a pest control product for commercial or any other purpose without a permit issued by the Board.

Importation, exportation and re-exportation to be authorised.

(2) For the purpose of this regulation—

- (a) a pest control product shall be considered to be for commercial purposes if it is imported for resale, manufacture, formulation, repackaging or for owner's use;
- (b) a pest control product for scientific research or testing shall not be deemed to be imported for commercial purposes; and
- (c) a pest control product shall be deemed to have been exported or re-exported when the pest control product leaves the port of exit for the purpose of export or re-export.

6. (1) A person who intends to import, export or re-export a pest control product for commercial or any other purpose under the Act shall apply to the Board for a permit in Form PCPB IE1 as set out in the Schedule and pay the prescribed fee.

Application for pest control products disposal licence.

(2) A person who intends to import a pest control product for research purposes under the Act shall apply to the Board for a permit in Form PCPB IE2 as set out in the Schedule and pay the prescribed fee.

(3) An application under sub-regulation (1) or (2) shall state the purpose of the importation, exportation or re-exportation of the pest control product in the following manner—

- (a) "FOR RESALE", where the product is being imported, exported or re-exported for the purpose of resale whether in the original package or after repacking;
- (b) "FOR MANUFACTURING PURPOSES", where the pest control product is being imported, exported or re-exported for use in the manufacture or formulation of a registered pest control product;
- (c) "FOR IMPORTER'S OWN USE", where the pest control product is being imported into Kenya or exported to another country for the sole use of the importer, together with information on where the pest control product shall be used and the nature of that use; or
- (d) "FOR RESEARCH PURPOSES", where the pest control being imported is for research purposes, trials or studies.

7. For the purpose of these Regulations, the Board shall not issue a permit for the importation, exportation or re-exportation of a pest control product unless the pest control product has been registered in accordance with the Act and any Regulations thereunder.

Compliance with prescribed Regulations on registration.

8. (1) The Board shall issue the applicant with a permit if the Board is satisfied that the—

Approval and issuance of permits.

- (a) application contains the information required under these Regulations;

(b) pest control product —

- (i) contains ingredients that have been previously assessed or evaluated for the purposes of the Act and these Regulations;
- (ii) has been accepted for registration or research under the registration regulations prescribed under the Act; and

(c) premises where the pest control product is to be stored, processed, used, repackaged or sold has been duly licensed by the Board.

(2) The permit issued under sub-regulation (1) shall be in Form PCPB IE3 as set out in the Schedule.

(3) Where the Board does not approve an application for a permit under these Regulations, the Board shall, within fourteen days of the decision, give reasons to the applicant in writing.

9. A person to whom a permit has been issued under these Regulations shall not transfer the permit to any other person without the approval of the Board and such approval when sought shall be endorsed on the permit.

Non-transferability.

10. (1) The Board may attach to a permit such conditions as it deems fit to restrict the importation, exportation and re-exportation of a pest control product from a specified source or for specified usage.

Attachment of conditions to a permit.

(2) The Board may, for reasons to be provided in writing, vary, add to or revoke any of the conditions under sub-regulation (1).

11. A permit issued under these Regulations shall be for one product per consignment and shall be valid for a period of six months from the date of issue.

Validity of a permit.

12. (1) The Board may suspend a permit issued under these Regulations for a period not exceeding six months, if satisfied that the permit holder, an employee or his agent has committed a breach of any of the conditions of the permit.

Suspension of a permit.

(2) Before suspending the permit under sub-regulation (1), the Board shall give the permit holder a twenty-eight days' notice to show cause why the permit should not be suspended.

(3) The Board may lift the suspension issued under this regulation if satisfied that the permit holder has complied with the terms and conditions upon which the suspension was made.

(4) If the breach contemplated under sub-regulation (1) poses serious danger to human health or the environment, the Board shall cancel the permit with immediate effect.

13. (1) The Board may cancel a permit issued under these Regulations—

Cancellation of a permit.

- (a) if the permit holder, an employee or agent has been convicted of an offence under these Regulations; or

- (b) where the Board obtains new information that the product may cause serious adverse effects on human health and the environment.

(2) Before cancelling the permit under sub regulation (1), the Board shall give the permit holder a twenty-eight days' notice to show cause why the permit should not be cancelled and the Board's decision in the matter shall be final.

14. (1) No person shall import, package, store, transport, display, distribute, sell or otherwise deal in a pest control product contrary to these Regulations. Prohibition on smuggled pest control products.

(2) A person who contravenes this regulation commits an offence and shall be liable, on conviction to the penalty provided under section 12(1) of the Act.

15. A person who commits an offence under these Regulations for which no penalty is provided shall be liable on conviction to the penalty specified under section 12(1) of the Act. General penalty.

16. The Pest Control Products (Importation and Exportation) Regulations are revoked. Revocation.
Sub-Leg.

SCHEDULE
FORMS



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FORM PCPB IE1

(r6(1))

THE PEST CONTROL PRODUCTS BOARD

Consignment Document No:

APPLICATION FOR THE IMPORT/EXPORT OF PEST CONTROL PRODUCTS

TO: The Managing Director/Secretary
Pest Control Products Board (PCPB)
P.O. Box 13794 - 00800 Nairobi.
E-mail address: info@pcpb.go.ke/md@pcpb.go.ke
Tel: 254- 020 – 8021846/7/8 Fax: 254- 020- 8021865
Website: <https://www.pcpb.go.ke/>

Applicant's Full Name/Address:

PIN:

Tel. No.:

E-mail:

Full Name and Address of the Exporter (If Import to Kenya) or Importer (If Export from Kenya)

Product Information:

1. Registration number
- Date of expiry of product registration.....
- Date of expiry of product
- Batch number
2. Country of Origin (if being imported)
3. Country of Destination (if being exported or re-exported)
4. HS Code.....
5. Custom Entry No.....
6. Approved common name of the active ingredient
7. Chemical name

8. Full Trade name
9. Formulation type (EC, EW, Dust, GR, etc.....)
10. Concentration (% a.i.)
11. State of product (☐ Technical or ☐ Formulated)
12. (a) Category of product (Tick appropriately)

Insecticide Fungicide Herbicide Miticides

Rodenticide Adjuvant Others

(b) Purpose of import/export

Resale Research	Manufacturing/formulating Purposes Analytical grade material (standard)	Own Use Others	Trial Samples

13. Quantity applied for
14. Total cost (Freight charges included)
- FOB value.....
- Currency.....
- Exchange Rate.....
- Proforma invoice No..... Date.....
15. Estimated annual usage

I/We certify that the information contained herein is correct to the best of my/our knowledge.

Importer's/Exporter's Signature

Designation

Date

FOR OFFICIAL USE ONLY

Board's official stamp

Recommended	Not Recommended	Recommended	Not Recommended
Date		FEE PAID RECEIPT No. Date	
Registration/ Inspection Officer Pest Control Products Board		Finance Officer Pest Control Products Board	
Note: This is not a license to authorize importation or exportation			



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FORM PCPB IE2

(r6(2))

THE PEST CONTROL PRODUCTS BOARD

APPLICATION FOR APPROVAL FOR RESEARCH

INFORMATION TO BE PROVIDED BY THE APPLICANT

1. Name of Research entity/ institution.....
2. Name of Lead Researcher.....
3. Name of Co-Research Entity/Institution.....
4. Name of Co-research.....
5. Information on pest control product—
 - (a) Product name
 - (b) Active ingredient
 - (c) Type of pesticide
 - (d) Formulation type
 - (e) Source of formulation
 - (f) Research Protocol and study plan
 - (g) Proposed GAP table for research in agricultural crops/ Research Plan.
 - (h) Residue data for edible crops if applicable
 - (i) Material Safety Data Sheet
6. Objectives of the research.....
7. Research trial location
8. Signature, Name and Date.....



FORM PCPB IE 3

(r8(I))

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THE PEST CONTROL PRODUCTS BOARD
THE PEST CONTROL PRODUCTS IMPORTATION PERMIT

Permit No:.....

Unique Consignment Reference:.....

Approval date:.....

Applicant Details

Name:.....

PIN:.....

Application Code:.....

Address: Country:.....

Contact Person: Email :.....

Consignee Details

Name:.....

PIN:.....

OGA Ref No:.....

Physical Address:.....

Physical Country:.....

Postal Address :

Postal Country :.....

Telephone :

Fax :..... Email :.....

Sector of Activity :.....

Warehouse Code:

Warehouse Location:

Importer Details

Name:

PIN:

OGA Ref No:

Physical Address:

Physical Country:

Postal Address:

Postal Country:

Telephone :

Fax : Email :

Sector of Activity :

Warehouse Code :

Warehouse Location :

Exporter Details

Name :

PIN : OGA Ref No :

Physical Address :

Physical Country:

Postal Address : Postal Country :

Telephone : Fax :499223206.....

Email : Sector of Activity :

Warehouse Code :

Warehouse Location :

Consignor Details

Name :

PIN : OGA Ref No :

Physical Address: Physical Country:

Postal Address : Postal Country:

Telephone : Fax :

Email : Sector of Activity :

Warehouse Code:

Warehouse Location :

Values - Header Level

Foreign Currency Code : Forex Rate :

FOB FCY : Freight FCY :

Insurance FCY : Other Charges FCY :

CIF FCY : FOB NCY :

Freight NCY : Insurance NCY:

Other Charges NCY : CIF NCY :

List of Payments Made

S/No.	Step Code	OGA Code	Fee Category	Fee Code	Amount	Status	Payment Date

*OGA Remarks:**Purpose of Import/Export:**Terms and Conditions*

Imports and Exports are regulated by The Pest Control Products Importation and Exportations Regulations.

Item Details

Full Trade name:

Formulation type:

Item HS Code : HS Description :

Quantity : Unit Of Quantity :

Package Type : Package Quantity :

Foreign Currency Code

Unit Price FCY: Total Price FCY :

Unit Price NCY: Total Price NCY :

Country Of Origin: Item Net Weight :

Item Gross Weight:

Product Registration Number.....

Transport Details

Mode Of Transport:

Mode Of Transport:

Shipment Date: Port Of Arrival:

Customs Office: Freight Station :

Board's Official Signature and Stamp

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Managing Director
Pest Control Products Board

Note:

1. *This license is not transferable to any other person without the approval of the Board.*
2. *This license is valid for one consignment only, for three (3) months from the date of approval.*
3. *This license is not valid without a PCPB authorized signature and stamp.*

Made on the 21st May, 2024.

MITHIKA LINTURI,
 Cabinet Secretary for Agriculture
 and Livestock Development.