

# THE PLANT PROTECTION REGULATIONS, 1998

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**THE PLANT PROTECTION ACT, 1997**

(NO.13 OF 1997)

**REGULATIONS**

—  
Made under section 42  
—

**THE PLANT PROTECTION REGULATIONS**

**PART I**

**PRELIMINARY**

- Citation.                    1. These Regulations may be cited as the Plant Protection Regulations, 1998
- Interpretation              2. -(1) In these Regulations, unless the context otherwise requires—
- Act No 13 of 1997        “Act” means the Plant Protection Act;  
                                      “Analyst in-charge” means the chief analyst appointed under section 32 of the Act;  
                                      “BCAS” means Biological Control Agents Subcommittee

“biological control agent” means a natural enemy, antagonist or competitor and other self replicating biotic entity, used for pest control;

“Chairman” means the Chairman of the National Plant Protection Advisory Committee appointed under regulation 4 of these Regulations;

“Committee” means the National Plant Protection Advisory Committee established under section 31 of the Act;

“competitor” means an organism which competes with pests for essential elements such as food and shelter in the environment;

“compounding” means mixing of pesticide ingredient with another ingredient including diluent;

“contaminant” means a natural enemy, antagonist or competitor and other self replicating biotic entity, which can limit the population of biological agent, and includes parasitoids, parasites, predators and pathogens;

“Designated National Authority” means a Government designated agency to be responsible for PIC;

“experimental registration” means registration of pesticides to be used for only experimental purposes by the registrant or persons approved by

the registrar.

“FOB” means free on board;

“form” means a form set out in the Schedule to these Regulations;

“formulating” means prescribing and , or mixing pesticide ingredient according to particular formulae;

“Institute” means a research institute

“label” means any written, printed or graphic matter on the immediate container and on every other receptacle of package in which the container is placed or packed;

“laboratory” means the Pesticides Control Analytical;

“manufacture” in relation to any pesticide includes any process or part of a process for making, altering, finishing, packing, labeling, breaking up or otherwise treating or adopting any pesticide with a view to its distribution or use, and includes any process of formulating and compounding such pesticides, and the word “manufacture” shall be construed accordingly;

“micro-organisms” means a protozoan, fungus, bacterium, virus, or other microscopic self replicating biotic entity;

“Ministry” means the Ministry responsible for agricultural matters;

“natural enemy” means a parasitoid, parasite, predator and pathogen or any other organism which leaves at the expense of another organism and which help to limit the population of its host;

“NPPAC subcommittee” means a Committee of the NPPAC established under regulation 6 of these Regulations;

“NPPAC” means the National Plant Protection Advisory Committee established under Section 31 of the Act;

“OPCS” means the Outbreak Pests Control Subcommittee;

“organism” means biotic entity capable of reproduction or replication; vertebrate or invertebrate animals, plants and micro-organisms;

“package” means a receptacle or wrapper in which pesticide container is placed or packed during storage or transportation and the word “packaging” shall be construed accordingly;

“parasite” an organism which lives on or in a larger organism feeding upon it;

“parasitoid” means any insect parasitic only in its immature stages, killing its host in the process of its development, and free living as an adult;



“PARTS” means Approval and Registration Technical;

“pathogen” means any micro organism causing disease;

“permit “ means a permit issued in compliance with these Regulations;

“pest control operator” means a person licensed to undertake commercial pest management activities;

“PIC” means Prior Informed Consent;

“pesticide” means any plant protection substance intended for preventing, destroying or controlling pest, unwanted species of plant or animal causing harm during or otherwise interfering with the production, processing, storage, transport, or marketing of food, agricultural commodities, wood and wood products. The term includes substances intended for use as a plant growth regulator, defoliant, desiccant or agent for thinning fruit or preventing the premature fall of fruit and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport.

“point of entry” means a point of entry declared as such under regulation 12

“PQS” means Plant Quarantine Sub-committee of

the NPPAC;

“predator” a natural enemy that preys and feeds on other animal organisms, more than one of which are killed during its lifetime;

“premise” means any land, shop, stall or place where any pesticide is sold or manufactured or stored or used and includes any vehicle carrying pesticides;

“quarantine area” means an area for official confinement of plant or plant products, harmful organisms to plants, beneficial organisms, goods or soil being imported or exported to Tanzania, subject to phytosanitary regulations, for observation and research or for further inspection and or testing;

“release” means the intentional liberation of an organism into the environment;

“sale” means sale of any pesticide, whether for cash or on credit and whether by wholesale or retail and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale any pesticide and an attempt to sell any such pesticide;

“schedule” means a schedule to these Regulations;

“true seed” means a resting embryo plant enclosed in a protective coat, and it does not include any vegetative material commonly referred to as

“seed” or grain imported exclusively for consumption or processing;

(3) In these Regulations any reference to a form shall be read as a reference to a form contained in the schedules.

Composition of NPPAC and its operational procedures.

3.-(1) The National Plant Protection Advisory Committee shall consist of the following members namely—

(a) one representative from the relevant Department of the Government Ministries or Departments responsible for—

- (i) agriculture;
- (ii) health;
- (iii) environment;
- (iv) natural resources;
- (v) justice; and
- (vi) finance.

(b) One officer from Governmental or quasi-governmental institutions responsible for —

- (i) environmental management;
- (ii) pesticides research ;
- (iii) agricultural research;
- (iv) commodity standards control; and

(v) pharmaceuticals and poisons control; and

(c) One officer from the relevant department of Sokoine University of Agriculture.

(2) The Committee may co-opt other members with no voting rights (co-opted members), who shall include, but not limited to the following—

(a) the head of the division responsible for plant protection of the Ministry responsible for Agriculture of the Revolutionary Government of Zanzibar;

(b) international organizations responsible for plant protection research and extension; and

(c) international organizations responsible for environmental management;

(d) one representative from private sector associations of—

(i) plant protection substances manufacturers, importers and distributors;

(ii) plant protection substances

consumers; and

(iii) promoters of safe use of plant protection substances.

(3) any member of the Committee or Sub-committee, who is engaged in any trade or business concerned with importation, manufacturing, distribution or sale of any plant protection substance, plant, or plant products, while holding such membership, shall not participate in the decision making of the Committee or sub-committee if the committee or sub-committee is of the view that such trade or business may prejudice his opinion on that particular subject matter;

Functions of the  
NPPAC

4.-(1) The NPPAC shall, in addition to the functions provided under section 31 of the Act, perform the following functions-

(a) coordinate plant protection activities of the NPPAC sub-committees;

(b) maintain a system of collaboration with any national or international body or person dealing with plant protection;

(c) consider and endorse reports from the

NPPAC sub-committees;

(d) propose to the Minister areas in plant protection legislation which require revision or updating as may be deemed necessary from time to time;

(e) perform such other incidental or consequential activities necessary for carrying out the functions assigned to it under the Act or these Regulations;

(2) The Committee shall regulate its own procedure and the conduct of its business in conformity with these Regulations;

(3) Subject to the provisions of regulation 5, the Committee shall elect from amongst its members, a Chairman and Vice chairman.

(4) The Chairman and the vice chairman elected under sub-regulation (3) of this regulation shall hold office for three years and may be re-elected.

(5) The quorum for the NPPAC meeting shall be two third of all members or one half of non co-opted members.

(6) All decisions by the NPPAC shall be arrived at unanimously, except in the case of disagreement the decision shall be made by a majority vote, and where there is equality of

votes the chairman or in his absence, the vice chairman shall have a casting or second vote.

Appointment of first chairman and vice-chairman

**5.-(1)** Notwithstanding the provisions of regulation 4 of these Regulations the Minister shall appoint from amongst the NPPAC members the first chairman and the first vice chairman;

(2) After the appointment of the first chairman and vice chairman according to the provision of sub-regulation (1) of this regulation the subsequent appointments of such persons shall be as provided for under regulation 4 of these Regulations.

NPPAC sub-committees

**6.-(1)** The Committee shall have the following sub-committees-

(a) the Pesticides Approval and Registration Technical Sub-Committee (PARTS) ;

(b) the Biological Control Agents Sub-Committee (BCAS);

(c) the Plant Quarantine and Phytosanitary Services Sub-Committee (PQPS); and

(d) the Outbreak Pests Sub-Committee

(OPS).

(2) The composition of the sub-committees established under sub-regulation (1) of this regulation shall reflect the technical nature for which the sub-committee is established .

(3) Except for the first chairman of each sub-committee, who shall be appointed by the NPPAC, the subsequent chairmen of each sub-committee shall be appointed by the majority vote of the members of the sub-committee.

(4) Each sub-committee may co-opt such number of other experts and for such purposes and periods as it may deem fit.

Tenure and  
procedure of  
sub-committees

7.- (1) A member of a sub-committee shall hold office only for as long as he is holding the appointment by virtue of which his nomination was based.

(2) Every sub-committee shall regulate its own procedure and the conduct of business to be transacted by it.

NPPAC Secretariat

8.-(1) The division responsible for plant protection services of the Ministry shall be the Secretariat of the NPPAC;

(2) The Head of the division referred to



under sub-regulation (1) of this regulation shall be the Executive Secretary to the NPPAC .

(3) The Registrar and the Inspector in-charge shall each be the Deputy Executive Secretary of the NPPAC and, unless specified in the Act and in these Regulations, they shall be assigned such duties as the Executive Secretary may direct.

Functions of  
NPPAC Secretariat

**9.**-(1) In addition to the functions assigned to it by the Act the NPPAC Secretariat shall-

- (a) be the implementing agency of the NPPAC decisions;
- (b) be a custodian of the information transacted in the NPPAC meetings;
- (c) perform such other incidental or consequential activities necessary for carrying out the functions assigned to it under the Act or these Regulations.

Qualifications of  
Inspectors

**10.**-(1) No person shall be appointed as an inspector according to Section 33 of the Act unless that person is registered as an inspector.

(2) The minimum qualifications for a person to be registered as an inspector shall include, but not limited to the following-

- (a) at least a diploma or its equivalent in

relevant sciences;

(b) must have successfully completed an inspectors' course in relevant aspects of plant protection;

(3) The inspector shall upon registration be given an identification which he shall carry and produce whenever necessary during all times of executing his duties.

Disqualification  
of Inspectors

**11.** An inspector shall cease to be an inspector in accordance with the Act and any other provision in these Regulations in case of—

- (a) death;
- (b) a state of prolonged ill health;
- (c) retirement from such services;
- (d) misconduct which results to breaching of inspection rules or guidelines;
- (e) where by any reason the Minister believes that the inspector can not properly execute his duties.

Points of entry

**12.**-(1) Subject to regulation 50 of these Regulations, the points of exportation or importation into mainland Tanzania for plants, plant products, and plant protection substances shall be confined to—

(a) airports-

- (i) Dar es Salaam International Airport; and
- (ii) Kilimanjaro International Airport;

(b) harbours-

- (i) Dar es Salaam Harbour;
- (ii) Tanga Harbour;
- (iii) Mtwara Harbour;
- (iv) Bukoba Port;
- (v) Mwanza Port;
- (vi) Kigoma Port;
- (vii) Musoma Port;
- (viii) Mbamba bay Port;
- (ix) Itungi Port; and
- (x) Lindi Port.

(c) overland border entry points-

- (i) Namanga;
- (ii) Tunduma;
- (iii) Sirari;
- (iv) Mutukula;
- (v) Rusumo;
- (vi) Tarakea;
- (vii) Horohoro;
- (viii) Mpulungu;
- (ix) Kibondo;
- (x) Holili;

- (xi) Kasumulo;
- (xii) Isongola;
- (xiii) Kalema;
- (xiv) Makambe;
- (xv) Mkomazi;
- (xvi) Main railway stations in Dar es Salaam; and
- (xvii) any post office.

(2) The Head of the Plant Protection in consultation with the NPPAC, and with the Minister's approval, may by Notice published in the *Gazette* amend sub regulation (1) of this regulation.

Declaration on arrival

**13.-** (1) The declaration to an inspector of any plant, plant products, soil, or plant protection substance imported into Tanzania as required by the Act-

- (a) in the case of the passengers and crew of any vessel, aircraft or train shall be, in the form specified in the Tenth Schedule; and
- (b) in the case of importers and other persons bringing things to which the Act applies, into Tanzania unaccompanied by them, shall be in the

form specified in the Eleventh  
Schedule

Prohibition of  
removal from  
point of entry

**14.**— No person shall, without the prior written  
permission of an inspector, remove-

- (a) any plant protection substance;
- (b) any plant or plant products; or
- (c) any packaging in which plant  
protection substance, plant, or plant  
product or any other thing has been  
contained,

from any wharf, landing-place, airport or any other  
point of entry.

Prohibition of  
abandonment or  
disposal

**15.** No person shall without the prior written  
permission of an inspector, abandon or dispose of  
any premises where plant or plant products or plant  
protection substances is being grown or held.

## **PART II**

### **PESTICIDES CONTROL**

Composition of  
Pesticides

**16.-** The Pesticides Approval and Registration  
Technical Sub-committee shall consist of the

Approval and  
Registration  
Technical  
Sub-committee  
(PARTS)

following members, namely-

- (a) the Registrar of Pesticides who shall be the Secretary to the Sub-committee;
- (b) the Analyst in-charge;
- (c) Director of Research of the Ministry of Agriculture and Cooperatives;
- (d) officer in-charge of the government department responsible for veterinary services;
- (e) the Registrar of Pharmaceuticals and Poisons;
- (f) the Chief Government Chemist;
- (g) the office in-charge for pesticides in the national institution responsible for commodity standards control;
- (h) officer in-charge of the department responsible for crop science of the Sokoine University of Agriculture;
- (i) responsible officer dealing with environmental toxicology within the National Environmental Management Institution; and
- (j) representative of the chemical and processing engineering department of the University of Dar es Salaam;

(k) a representative from the Institute responsible for pesticide research.

Functions of the PARTS

**17.** The PARTS shall perform the following functions, namely--

- (a) to advise the NPPAC on pesticides management and control;
- (b) to advise the Registrar on pesticide registration;
- (c) to perform such other incidental or consequential activities necessary for carrying out the functions assigned to it under the Act or these Regulations.
- (d) to approve pesticides;
- (e) to perform any other function as may be prescribed by the NPPAC from time to time.

Procedure for importation of pesticides

**18.-** (1) Every person importing pesticides shall obtain a permit for importing that pesticide, from the Registrar.

(2) The application for, and issuance of a permit thereof shall be effected in the forms set out respectively in the First Schedule and the Second Schedule.

(3) Every importer of a pesticide shall pay a

cess of 0.5% of the FOB value of the pesticide to be imported.

(4) Any cess paid under this regulation shall be refunded where it is shown to the satisfaction of the Registrar that the pesticide in respect of which the cess was paid, was not, for any reason, subsequently imported.

Registration of pesticides

**19.** All pesticides manufactured, formulated or compounded for disposal in any way for use in Tanzania, shall be registered in accordance with the Act and these Regulations.

Application for registration

**20.** Every application for pesticide registration or renewal of registration shall be made on a form specified in the Third Schedule to these Regulations and shall, unless otherwise advised, be accompanied by-

- (a) a dossier containing additional information to determine the suitability of the pesticide as to its use and including technical data sheet and direction on how to detect and quantitative the active ingredient;
- (b) the appropriate fee or any other charge provided under the Act or these Regulations;
- (c) a representative sample of the pesticide and



certificate of analysis, if already issued; and

- (d) a written declaration that the pesticide has or has not been banned or restricted in the country of origin.

Submission and analysis of samples

**21.** A sample submitted to the Registrar for analysis for purposes of registration shall—

- (a) be accompanied by appropriate standards;
- (b) not be less than 0.5 kilograms in case of solids, or not less than 0.5 litres in case of liquids;
- (c) be accompanied with its specification and other relevant information;
- (d) be adequately, packed, sealed and labelled; and
- (e) be accompanied with sample containers intended to be used for marketing, distribution, use or any other disposal.

Testing of pesticides

**22.—(1)** Every pesticide submitted for registration shall be submitted for analysis to the research institute appointed in accordance with section 32 of the Act, and that research institute, shall carry out such field tests and laboratory analysis as are necessary to determine its suitability.

(2) The time for conducting laboratory analysis and submission of the results shall not exceed fourteen

days and the time required for conducting field tests shall not be less than three cropping seasons;

(3) The Analyst in-charge shall ensure that all necessary reagents are available before receiving the sample for laboratory analysis.

(4) Upon completion of the analysis and field tests, the results shall be submitted to the Registrar using a Certificate of Analysis as indicated in the Fifth Schedule to these Regulations.

Additional  
conditions for  
importation and  
handling of  
pesticides

**23.** The person applying for registration of a pesticide shall satisfy the Registrar that—

- (a) the premises for the storage of the pesticide are adequate and well equipped with proper pesticides storage facilities necessary for avoiding any hazards to human, animals and environment, and for preserving the properties of the pesticide in respect of which a registration certificate is sought; and
- (b) he has proof that himself or at least one of his technical staff is qualified and experienced in handling the pesticide.

Registration

**24.-(1)** The Registrar shall register a pesticide if he is satisfied that the person applying for registration of the pesticide has complied with the provisions of

the Act and these Regulations.

(2) On registration the person applying for registration of a pesticide shall pay such fees as provided under Part VI of these Regulations.

(3) The Registrar in consultation with PARTS may refuse to register a pesticide if he is not satisfied in terms of sub-regulation (1).

(4) An appeal from a decision of the Registrar refusing to register a pesticide under sub-regulation (1) shall lie to the Minister and the Minister's decision shall be final.

(5) Every appeal under sub-regulation (4) shall be made within sixty days from the date of the decision of the Registrar.

(6) Pursuant to section 28 (b) of the Act, the Registrar after being so advised by the PARTS, may provide special registration conditions or requirements for the registration of specific plant resistance improver.

(7) The application for re-registration shall be made six months before the expiration of the time for which a pesticide has been registered.

Certificate of registration

**25.**-(1) Upon the approval of registration, the Registrar shall issue a certificate of registration in a form prescribed in the Fourth Schedule in respect of a

pesticide whose registration was sought.

(2) Every certificate for full pesticide registration shall be valid for five years.

Provisional  
registration

**26.**-(1) Where by reason of non-compliance with any provision of these Regulations or any direction given, the Registrar is unable to register a pesticide but satisfied that steps can be taken with diligence by the applicant to comply with such provision or direction, as the case may be, he may after being so advised by the PARTS, and by notice in writing (hereafter referred to as a notice of deferment), defer registration of that pesticide pending compliance with such provision or direction.

(2) The Registrar shall transmit the notice of deferment to the person who applies for registration of the pesticide.

(3) A notice of deferment shall, subject to the provisions of this regulation and any conditions specified in that notice, entitle the person applying for the registration of a pesticide to use or dispose for use of the pesticide.

(4) Every provisional registration shall be valid for two years and shall not be renewed unless that renewal is approved the NPPAC.

Restricted use

**27.** In cases where a pesticide:-

- (a) is subject to PIC procedure; or;
- (b) is highly toxic, persistent and biologically cumulative; or
- (c) causes poisoning effects to human and animals of which no effective antidote is available,

the Registrar shall not register that pesticide unless —

- (i) the case under paragraph (a) of this regulation obtains concurrence of Designated National Agency ; or
- (ii) in cases under paragraph (b) and (c) additional conditions and restrictions as to its safe use and disposal and other conditions deemed necessary are imposed by the PARTS.

Registration of pesticides for experimental purposes

**28.**-(1) A person who intends to use a pesticide for experimental purpose shall have that pesticide registered for such purposes.

(2) Every registration of a pesticide for experimental purpose shall be valid for one year.

Evidence of

**29.** A business licensing authority shall only issue

registration or approval before issue of business licenses

trading licenses to persons intending to carry out pesticide business including manufacturers, distributors, formulators, fumigators, and other pest controllers, after such persons have produced a written approval or registration certificate from the Registrar.

Manufacturers *etc.* to abide by safety guidelines and to maintain quality control laboratory

**30.** Every manufacturer of pesticides shall-

- (a) take all appropriate measures in ensuring the safety of their employees, the pesticide manufacturing plants, the public and the general environment in accordance to the Integrated International Safety Guidelines for Pesticide formulation in developing countries issued by the United Nations Industrial Development Organization from time to time;
- (b) maintain a quality control laboratory or engage a recognized laboratory to check the quality of its finished products, test and keep records of its products prior to releasing them for distribution and use;

- (c) ensure appropriate antidote and facilities to effect first-aid are available.

Clearance and  
licensing and of  
pesticide handlers

**31.**-(1) No person may import a registered pesticide unless he is permitted in writing by the registrant of that pesticide and the said permit is cleared by the Registrar;

(2) The licensed pest control operators shall be charged with ensuring safety of their employees and clients, creation of the awareness on the inherent risks of indiscriminate use and misuse of pesticides and shall enable the early diagnosis of cases of pesticide poisoning, prior to being licensed as pest control operators and particularly, they shall have the following minimum qualities—

- (a) each office and branch must have at least one operator trained in safe application and use of pesticides; and cleared or approved by the Registrar;
- (b) contracts for operations shall abide by purposes for which the pesticide is registered;
- (c) their offices shall be equipped with the necessary safety equipment and protecting gear;

- (d) an occupational health programme for the pest control operators and a maintenance programme for the working gear; and
  - (e) appropriate antidote and facilities to effect first-aid treatment must be available.
- (3) The licensing of pesticides retail shops shall be done after ensuring that—
- (a) the shop owners or supervisors are trained in pesticide safety;
  - (b) the shops have relevant information or documents which can enable them to state the source of the pesticides on sale, and
  - (c) the shop premises have adequate and appropriate pesticide storage, display, and safety equipment facilities.

Pesticides records      **32.** (1) Every manufacturer or importer of pesticides shall keep records of—

- (a) type of pesticide;
- (b) origin;
- (c) port of entry;
- (d) quantity imported and sold;
- (e) purpose for use;



- (f) batch number;
- (g) date of manufacture or importation;
- (h) any other information which may be necessary for purposes of pesticides control.

2) Every pesticides retailer or pest control operator shall keep records of—

- (a) type of pesticide;
- (b) quantity acquired;
- (c) purpose for use;
- (d) quantity used;
- (e) batch number; and
- (f) any other information which may be necessary for purposes of pesticides control;

(3) The information kept under sub-regulations (1) and (2) of this regulation shall—

- (a) be reported periodically to the Registrar in a form prescribed by the Registrar;
- (b) be maintained for at least five years;
- (c) be made available to the inspector whenever requested;

(4) The information obtained under sub-regulation (3) of this regulation shall be kept in the data base in the offices of the Registrar and Inspector in-charge,

and shall be classified as “confidential” and be treated accordingly

Labelling

**33.-** (1) In addition to the provisions of section 20 (1) of the Act, any label of a pesticide shall include—

- (a) the words “Registrar of Pesticides”.
- (b) the warning “SUMU (POISON)” written in bold red letters appearing at the top-centre of the label together with appropriate warning symbols or pictograms and colour codes;

(2) All the information on the label shall be accurate and free from any statements which cannot be substantiated or which could falsely inform a purchaser or user and the label shall not describe a product by such terms as “harmless”, “non-toxic”, “the best”, “superior” or “most effective”.

Handlers of pesticides to be provided with protective gear *etc.*

**34.** Any person handling pesticides shall possess and use appropriate personal protective gear or equipment which shall include face-masks, goggles, respirators, rubber gloves, plastic or rubber aprons, rubber boots, overalls and caps.

Packing, handling and

**35.-**(1) Pesticides shall be packed in clean and dry containers designed to provide protection against

storage areas of pesticides product deterioration, compaction, weight change or other spoilage and containers shall be capable of withstanding all anticipated level of handling, storage, stacking, loading and unloading conditions and shall at least have the following qualities—

- (a) not capable of being adversely affected by changes in ambient conditions such as, pressure, temperature and humidity;
  - (b) the outer surface of the container is constructed of, or coated with, materials capable of resisting corrosion or other deterioration;
  - (c) the inner surface of the container or closure is coated or lined with substances or materials which resist corrosion and are not comprised of materials capable of reacting with other materials such as pesticides from other compounds, or weaken the overall structure of the container or closure;
  - (d) approved container or closure of a specific material and design for a particular pesticide product or formulation shall be re-approved if it has to be used for other product or formulation;
- (2) No pesticide shall be transported or stored or handled in such a way that it can easily come into contact with un-intended objects such as feed or

food stuff.

- (3) Pesticide storage areas shall be constructed and maintained in such a way that the risk of exposure and environmental contamination and poisoning is avoided.
- (4) All pesticide storage areas shall be clearly marked with warning signs and pesticides shall be stored in their original containers.
- (5) Pesticide storage areas shall be inspected regularly and special attention shall be given to damage, spills and container deterioration, and in case of spillage, clean-up and decontamination shall be done promptly.
- (6) Pesticides storage area shall be kept locked to avoid unauthorized access and shall be well ventilated and provided with fire-fighting equipment.

Information on pesticides and empty containers disposal

**36.-**Every registrant shall supply information on the safe and most practical ways of disposing of any unwanted quantities of pesticides and empty pesticides containers to the Registrar.

Disposal of unwanted

**37.-** (1) Unwanted pesticides and empty pesticides containers shall be disposed of after authorization has

pesticides and empty pesticides containers      been given by the NPPAC for such undertaking .  
(2) The authorization given under sub-regulation (1) of this regulation shall also indicate the recommended way of disposal.

User obligation on pesticides procurement      **38.** Pesticide users or farmers shall make efforts to minimize possibilities which will compel them to dispose of unwanted quantities of pesticides by—  
(a) procuring pesticides only enough for the intended use; and  
(b) transferring the excess to another user.

Pesticides advertisements      **39.** Any person advertising a pesticide shall ensure that all statements are capable of technical substantiation and do not contain any visual representation which directly or by implication, omission, ambiguity or exaggerated claim, is likely to mislead the buyer in particular with regard to the safety of the product, its composition, and effectiveness.

### **PART III**

## **BIOLOGICAL CONTROL AGENTS**

Composition of      **40.** The Biological Control Agents Sub-

Biological Control Agents Sub-committee (BCAS) committee shall consist of the following members, namely—

- (a) the Inspector in-charge who shall be the Secretary to the sub-committee;
- (b) the Registrar;
- (c) the representative from the Ministry responsible for environmental management;
- (d) representative from the Department responsible for plant health of the Sokoine University of Agriculture;
- (e) representative of the Post-entry Quarantine Station;
- (f) representative of the Ministry responsible for natural resources

Functions of sub-committee

**41.** The Sub-committee shall perform the following functions, namely—

- (a) to advise the NPPAC on biological control agents matters;
- (b) to advise the NPPAC on the importation, registration and release of biological control agents;
- (c) to perform such other incidental or

consequential activities necessary for carrying out the functions assigned to it under the Act or these Regulations.

Procedure for importation of biological control agents

**42.**-(1) Subject to the provisions of the Act and these Regulations, no biological control agents may be imported into Tanzania unless—

- (a) they are imported in accordance with the conditions on a biological control agents import permit, previously obtained from, and signed by the Inspector in-charge;
- (b) they are imported through points of entry for high risk material provided under regulation 51 and subjected to quarantine procedures at the post entry quarantine station;
- (c) the collections in authoritative identified voucher specimens of the biological control agents and targeted pest or pests issued by the National Plant Protection Organization of the country of origin are made available;

(2) An application for import permit of biological control agents and a permit thereof shall be in forms indicated in the Sixth Schedule and Seventh Schedule respectively and shall be forwarded to the

Inspector in-charge.

(3) The Inspector in-charge may add such other terms and conditions in addition to the terms and conditions contained in the import permit, as he may think fit.

Conditions before importation of biological control agents

**43.** Before giving a permit for importation of biological control agents the Inspector in-charge shall ensure that—

- (a) the BCAS evaluation of the importation application of the biological control agent is approved by the NPPAC;
- (b) procedures are available for the full documentation of the importation, release, impact of the biological control agent and any other data relevant to assessing the outcome, and make records available to the scientific community and the public;
- (c) the biological control agent is already registered according to regulation 45 of these Regulations.

Responsibilities of biological control agent registrants.

**44.**-(1) All biological control agents being considered for disposal for any use in Tanzania shall be registered in accordance with the Act and these



Regulations;

(2) Prior to the first importation or introduction of a biological control agent, the prospective biological control agent registrant shall, for purposes of registration, prepare dossiers for submission to the Registrar with information on—

(a) the pest to be controlled which shall include, but not limited to—

(i) accurate identification of the target pest, its world distribution and origin;

(ii) assessment of its importance;

(iii) its natural enemies, antagonists or competitors already present or used in the proposed release area or in other parts of the world.

(b) the candidate biological control agent which shall include, but not limited to information on—

(i) accurate identification or, where necessary, sufficient characterisation of the agent to allow its unambiguous recognition;

(ii) its origin, distribution, biology, natural enemies, and impact on its

area of distribution;

(iii) its host specificity and any potential hazards posed on non-target hosts;

(iv) natural enemies or contaminants of the candidate agent and procedures required for their elimination from laboratory colonies, including, if appropriate, procedures to accurately identify and, if necessary, eliminate from culture the host upon which the agent was cultured.

(c) potential hazard analyses and risks posed thereby and proposed mitigating procedures with respect to—

(i) those who may be handling biological control agents under laboratory, production and field conditions;

(ii) human, animal health, and environment following the introduction of the biological control agent;

(3) the Registrar shall present information required

under sub-regulation (2) to BCAS for approval.

(4) Upon the approval of registration, the Registrar shall issue a certificate of registration in a form prescribed in the Eighth schedule in respect of a biological control agent whose registration was sought.

Responsibilities of biological control agent registrants after release of biological control agents

**45.** Upon release of biological control agent the importer or introducer, as the case may be, shall—

- (a) ensure that persons involved in distribution of their biological control agents are trained adequately, such that they are capable of providing the user with advice on efficient use;
- (b) make information relating to the safety and environmental impact of biological control agent publicly available, and maintain a free and frank exchange of information, not subject to commercial confidentiality, with exporters, authorities other than importers and operators of programmes involved in biological control agents;
- (c) consider publication of the results of each first importation and release programme

in an international journal which shall include details of the programme and its economic and environmental impact as soon as practicable after the release of the agent;

- (d) notify the Government when problems occur and take corrective action and, when requested by the Government help to find solutions to difficulties;

#### **PART IV**

### **PLANT QUARANTINE AND PHYTOSANITARY MATTERS**

- Composition of Plant Quarantine and Phytosanitary Services Sub-committee (PQPS)
- 46.**-(1) The Plant Quarantine and Phytosanitary Sub-committee shall consist of the following members, namely—
- (a) the Inspector in-charge who shall be the Secretary to the sub-committee;
  - (b) representative of the Post-entry Quarantine Station or Quarantine Stations;
  - (c) representative department responsible for

- plant health research in the Ministry;
- (d) representative of the seed unit in the Ministry ;
- (e) representative of the government official seed certifying agency;
- (f) representative of the forestry department in the Ministry responsible for natural resources;
- (g) representative of the department responsible for plant health of the Sokoine University of Agriculture;
- (h) representative of customs services

Functions of sub-committee

**47.** The sub-committee shall perform the following functions, namely—

- (a) to advise the NPPAC on plant quarantine matters;
- (b) to perform such other incidental or consequential activities necessary for carrying out the functions assigned to it under the Act or these Regulations.

Procedure for importation of plants or plant products

**48.**-(1) Subject to the provisions of the Act and these Regulations, no person shall import plant or plant products except in accordance with the conditions on a plant importation permit previously

obtained from, and signed by the Inspector in-charge;

(2) An application for import permit of plant or plant products and a permit thereof shall be in a form indicated in the Ninth Schedule and Tenth Schedule respectively and shall be forwarded to the Inspector in-charge.

(3) The Inspector in-charge may add such other terms and conditions in addition to the terms and conditions contained in the import permit, as he may think fit:

Provided that in giving any conditions on the importation permits the Inspector in-charge shall be guided by the conditions laid down in the Fourteenth Schedule.

Regulated  
imports

**49.**-(1) The plants or plant products categorized in the Fifteenth Schedule as “prohibited”, “high risk” and “low risk” shall be considered capable of presenting significant threat to agriculture and to the natural environment of Tanzania unless otherwise specified in that schedule.

(2) Pursuant to Section 13 of the Act, any action taken on the regulated plant or plant products shall be deduced from the Fourteenth Schedule and in case a decision to destroy is made, it shall be recorded on a notice provided in the Fifteenth Schedule;

(3) Pursuant to Section 13 of the Act, any illegally imported plant, plant products, or soil shall be disposed of as prescribed in the Sixteenth Schedule;

(4) Plant, materials appearing in the Fourteenth Schedule shall not be imported in the country.

(5) The Inspector in-charge, in consultation with the PQPS, and after the Minister's approval, may amend the Fourteenth and Fifteenth Schedules from time to time as it may be necessary and such amendments shall be reported to the NPPAC and subsequently published in the *Gazette*.

Points of entry  
for high  
risk plant  
material

**50.**-(1) Notwithstanding the provision of regulation 13 of these Regulations, any high risk plant material intended to be imported into Tanzania shall only be imported through the following entry points:—

(a) Airports:

- (i) Dar es Salaam International Airport;
- (ii) Kilimanjaro International Airport.

(b) Harbours:

- (i) Dar es Salaam Harbour;
- (ii) Tanga Harbour;

(c) Overland Border Entry points:

- (i) Namanga;

(ii) Tunduma.

(2) The Minister may, by notice published in the *Gazette*, declare other areas or places to be points of entry for purposes of this regulation.

Conditions for  
importation of  
high risk plant  
material

**51.**(1)- Any high risk plant material intended to be imported into Tanzania shall be—

- (a) clearly identified and labelled as to species and cultivar;
- (b) free from soil and other extraneous matter; and
- (c) packed in clean new package, in such a manner that all parts of the material may be readily inspected.

(2) Any plant in tissue culture imported into Tanzania shall be -

- (a) contained in a clear glass or plastic vessel (except the stopper) which allows examination;
- (b) imported in the vessel in which it has been grown;
- (c) within a clear agar-based medium, free from opaque matter and poured into the vessel while liquid; and
- (d) aseptic, with no measures having been taken to suppress microbial growth.



(3) Any high risk plant material which is not named or described in the Fourteenth Schedule may only be imported into Tanzania only on condition that—

- (a) the material shall be propagated under quarantine, in a location approved by the Inspector in-charge, using good husbandry practices;
- (b) the importer shall report without delay to an Inspector any pest or unhealthy condition found in or in connection with the material;
- (c) the importer shall, at his own expense, carry out any directions given by an inspector for the treatment of the material during quarantine;
- (d) the importer shall, if ordered by an inspector (such order being concurred with by the Inspector in-charge), destroy the material; and
- (e) no multiplication of the material shall take place during quarantine without the written permission of the Inspector in-charge.

(5) For the purpose of this regulation the term “multiplication” means production of high risk plant

material for purposes other than those required for post entry quarantine procedures.

(6) Subject to section 9 of the Act, plant import permit shall not be issued for importation of vegetative propagating material of plant species that can equally be grown from true seed or tissue culture.

Conditions for importation of fresh fruit and vegetables

**52.**-Any fresh fruit or vegetable imported into Tanzania shall—

(a) be clearly identified , labeled, and packed in clean new package; and

(b) be accompanied by—

(i) an international phytosanitary certificate or its equivalent endorsed regarding any treatment carried out prior to shipment; and

(ii) thermograph covering the full extent of any period of cool storage.

Notification of arrival of vessels or aircraft

**53.**- (1) The master, owner or agent of any vessel shall, not less than twelve hours before the vessel's estimated time of arrival in any port in Tanzania, give notice of its estimated time of arrival.

(2) In a case where, the aircraft is not arriving in

accordance with a regular schedule, the pilot, owner or agent of any aircraft shall, not less than two hours before the aircraft's estimated time of arrival at an airport in Tanzania, give notice of its estimated time of arrival.

(3) In a case where, the train is not arriving in accordance with a regular schedule, the person in charge of any train shall, not less than six hours before the train's estimated time of arrival at the border of Tanzania give notice at the nearest point of entry of its intended place and estimated time of arrival:

Provided that no such notice shall be required if the train is arriving in accordance with a regular schedule.

Quarantine  
precautions by  
masters of  
vessels

**54.**-The master of any vessel arriving in Tanzania shall-

- (a) immediately acquaint himself with the precautions specified in the Eleventh Schedule of these Regulations and shall ensure that all its requirements are complied with; and
- (b) ensure that the announcement in the Twelfth Schedule is made to any disembarking

passenger on at least two occasions.

- Documentation on arrival
- 55.-** The master, pilot or person in charge of any vessel, aircraft, train or other conveyance arriving in or at the border of Tanzania shall provide to an inspector at the point of entry—
- (a) any cargo manifest, consignment note, crew or passenger list or other relevant documentation concerning the contents of the conveyance which the inspector may request ; and
  - (b) a declaration in the Thirteenth Schedule in respect of any cargo containers on board the conveyance.
- Postal documentation
- 56.-** Any plant material or other thing which is the subject of the Act introduced by post into Tanzania shall—
- (a) be clearly labeled in English or Kiswahili as to its contents; and
  - (b) have the documentation required contained in an envelope securely attached to the outside of the package.
- No removal from quarantine
- 57.-**No person shall, without the prior written permission of the Inspector in-charge, remove any

without permission

plant material or other thing which is the subject of the Act from—

- (a) a point of entry;
- (b) a post entry quarantine station;
- (c) a quarantine area; or
- (d) any other quarantine required under the Act.

Export certification

**58.**-(1) The Inspector in-charge, if he is satisfied after examining all , or a representative sample, of any plant or plant products intended for export or re-export that—

- (a) it is practically free of pests; and
- (b) it conforms with the current phytosanitary requirements of the country to which it is intended to be exported or re-exported,

may issue a phytosanitary certificate as prescribed in the Fourteenth Schedule.

(2) The person applying for a phytosanitary certificate shall be responsible for providing the facilities necessary for the proper conduct of the examination referred to in sub-regulation (1) of this regulation, and any necessary treatment before the issue of the certificate shall be at that person's expense.

## PART V

### OUTBREAK PESTS CONTROL

- Composition of  
Outbreak Pests  
Control  
Sub-committee  
(OPCS)
- 59.-** (1) The Outbreak Pests Control Sub-committee shall consist of the following members namely—
- (a) the head of the plant protection services in the Ministry who shall be the Secretary;
  - (b) the Registrar of pesticides;
  - (c) the Director of Research in the Ministry;
  - (d) the representative of the of the Ministry responsible for environmental management;
  - (e) the representative of the department dealing with disaster management of the Prime Minister’s Office;
  - (f) the representative of the food security department of the Ministry;
  - (g) representative of the department dealing with disaster financial relief in the Ministry responsible for finance;
  - (h) the representative of the forestry department in the Ministry responsible for natural resources; and
  - (i) representative of the Tropical Pesticides Research Institute.

(2) The officer responsible for regional administration in the affected regions or areas may become a co-opted member of OPCS.

Functions of the sub-committee

**60.** The Sub-committee shall perform the following functions, namely—

- (i) to advise the NPPAC on outbreak pests management and control, particularly with regard to appropriate response during pest outbreaks; and
- (ii) to perform such other incidental or consequential activities necessary for carrying out the functions assigned to it under the Act or these Regulations.

Availability of employees and equipment

**61.** —(1) Every owner, occupier or person having the charge or management of land on which agricultural crops have been planted, shall, on verbal or written request by an Inspector, place at the disposal of the Inspector on the day on which the request is made such person employed on that land as the Inspector may require for the carrying of messages regarding outbreak pests of the destruction of their other development stages and the killing of such outbreak pests either on that land or any other land that

the Inspector may designate.

(2) Every such owner or occupier or person shall on similar request by an Inspector place at his disposal such draught animals, implements for ploughing or cultivation, carts, wagons and self-propelling vehicles, and supplies necessary as the inspector may require for the use designated in the sub-regulation (1).

Reporting of an outbreak or other measures

**62.** Every owner or occupier or person having the charge or management of land who knows of the existence of an outbreak pests at any of the development stage on such land shall forthwith report the same to an Inspector and shall take such measures immediately to destroy the pest as may have been or may be prescribed by the head of the plant protection services of the Ministry:

Provided that in default of the action prescribed under this regulation the Inspector in-charge may undertake the necessary measures, or order such measures to be carried out in his presence, and the cost of materials and labour shall be borne by the owner or occupier.



## PART VI

### GENERAL PROVISIONS

Fees to be charged  
on plant  
protection  
services

**63.-** (1) A fee shall be charged on every service provided under the Act, and these Regulations.

(2) Without prejudice to the generality of sub-regulation (1) of this regulation, a fee shall be payable for the following services, namely—

- (a) the registration of plant protection substances , and post registration control;
- (b) the plant import and export control, and post entry quarantine; and
- (c) the training on plant protection provided by the Ministry ; and  
plant protection extension services.

(3) The services that shall require a payment of a fee on registration of plant protection substances and post registration control shall include—

(a) pre-business approval in plant protection substances for—

- (i) manufacturers;
- (ii) importers;
- (iii) distributors/retailers; and
- (iv) commercial operators;

(b) plant protection substance registration for—

- (i) experimental registration;
- (ii) provisional registration;

(iii) full registration and renewal;

(iv) re-registration; and

(v) application for registration.

(c) plant protection substances sampling ;

(d) plant protection substances analytical and screening services in the

laboratory; and in the field.

(4) Services that require payment of fees on plant and plant products import and export control and post-entry control shall include but not limited to the-

(a) issuance of import permit;

(b) inspection of consumption commodities;

(c) treatment or treatment monitoring;

(d) inspection of export commodities;

(e) issuance of phytosanitary certificates;

(f) closed and open post entry quarantine;

(g) inspection or treatment of conveyances; and

(h) conveyance certification.

Payments.

**64.**-(1) Unless otherwise specified in the Sixteenth Schedule all payments shall be made in US dollars or in its Tanzanian shillings equivalent.

(2) Subject to section 42 (1) (cc) of the Act, the rates to be charged on regulations 64 of these Regulations shall be according to the Sixteenth Schedule.

(3) The NPPAC Secretariat shall submit financial reports and budgets on the revenue collected under regulation 64 of these Regulations after and for every Government financial year to the NPPAC for ministerial approval.

Documents to be  
Government  
documents

**65.-** (1) Documents mentioned in the Act and in these Regulations, including those appearing in the schedules shall be Government documents and no person may print or reproduce such documents in whatever form without prior consent of the Minister.

(2) The head of the plant protection division of the Ministry shall be the only custodian of the documents mentioned in sub-regulation (1) of this regulation and no such documents shall be issued except under his authorization.

(3) All forms or certificates issued for the purpose of these Regulations; unless otherwise stated in such forms or certificates, shall be filled in quadruplicate.

Offences

**66.** Any person who, by himself, his agent or servant, either directly or indirectly contravenes any provision of these Regulations commits an offense in accordance with Section 39 of the Act.

Revocation of

**67.** The Locusts (Destruction of Locusts)

G.N.Nos.	Regulation, 1929; The Plant Protection (Import)
68 of 1929;	Order, 1950; the Plant Protection (Phytosanitary
250 of 1950	Certificates) Order, 1968; and The Pesticides Control
408 of 1968;	Regulations, 1984 are hereby revoked.
193 of 1984	