



## ANALYSIS

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1987, No. 16

**An Act to amend the Pesticides Act 1979**

[16 March 1987

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Pesticides Amendment Act 1987, and shall be read together with and deemed part of the Pesticides Act 1979 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

**2. Interpretation**—Section 2 of the principal Act is hereby amended by omitting from the definition of the term “pesticide” the words “or organism”, and substituting the words “, organism, active ingredient, or manufacturing concentrate”.

**3. Power to declare substances, etc., to be pesticides**—(1) Section 7 (1) of the principal Act is hereby amended by omitting the words “or mixture of substances”, and substituting

the words “, organism, active ingredient, or manufacturing concentrate”.

(2) Section 7 (2) of the principal Act is hereby amended—

(a) By omitting the words “or mixture”, and substituting the words “, organism, active ingredient, or manufacturing concentrate”:

(b) By omitting the words “or mixtures”, and substituting the words “, organisms, active ingredients, or manufacturing concentrates”.

(3) Section 7 (3) of the principal Act is hereby amended by omitting the words “or mixture or class of substances or mixtures”, and substituting the words “, organism, active ingredient, or manufacturing concentrate or class of substances, organisms, active ingredients, or manufacturing concentrates”.

(4) Section 7 (4) of the principal Act is hereby amended by omitting the words “or mixture of substances”, and substituting the words “, organism, active ingredient, or manufacturing concentrate”.

**4. Unregistered pesticides not to be imported, sold, or applied for reward without permit or authority**—The principal Act is hereby amended by repealing section 21, and substituting the following section:

“21. (1) Except in accordance with an authority granted by the Board under this section, no proprietor of any pesticide shall import, sell, or apply for reward, the pesticide unless it is registered in the name of that proprietor in accordance with this Part of this Act or the importation, sale, or application of that pesticide by that proprietor is authorised by an experimental use permit issued by the Board under section 25 of this Act.

“(2) The Board may, on application to it in accordance with subsection (3) of this section, authorise the proprietor of a pesticide to import the pesticide for use by that proprietor on land owned or occupied by that proprietor, if the Board is satisfied that the pesticide—

“(a) Is of the same formulation and contains the same active ingredients as a pesticide registered under this Act; and

“(b) Is registered in, and is to be imported from, a country specified for the purposes of this section by the Minister by notice in the *Gazette*; and

“(c) Is packaged in a container to which is affixed a label bearing, in English, the name and concentration of each active ingredient of the pesticide.

“(3) Every application for an authority under subsection (2) of this section shall be made on a form provided by the Board, and shall be accompanied by the prescribed fee (if any).

“(4) The applicant shall supply to the Board all such information concerning the pesticide, and in such form, as the Board may reasonably require.

“(5) No authority granted under this section shall confer on the proprietor the right to sell the pesticide or to apply it for reward.

“(6) The Minister shall not specify a country by notice in the *Gazette* for the purposes of this section—

“(a) Until the Minister has consulted the Board; and

“(b) Unless the Minister is satisfied that there exists in that country a scheme for the registration of pesticides that is in accordance with, or is not less onerous than, the scheme set out in the Food and Agriculture Organisation Guidelines for the Registration and Control of Pesticides.

“(7) Every person who imports, sells, or applies for reward any pesticide otherwise than in accordance with this section commits an offence against this Act.”

**5. Application for registration**—(1) Section 22 (3) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

“(a) The name and percentage of each active ingredient, together with such details of the formulation or the composition of the pesticide as the Board may require:

“(aa) The name of the manufacturer, and the country of origin, of the pesticide:”.

(2) Section 22 (3) of the principal Act is hereby further amended by adding to paragraph (b) (ii) the words “, where the possibility exists of such residues occurring”.

**6. Duration of registration**—The principal Act is hereby amended by inserting, after section 27, the following section:

“27A. (1) Subject to subsection (2) of this section, the registration of a pesticide shall continue in force unless and until it is revoked by the Board under section 28 or section 29 of this Act.

“(2) Any regulations made under section 76 of this Act may prescribe an annual fee to be paid in respect of the registration of any pesticide and, if in any case any such fee remains unpaid for longer than 6 months after the date on which it becomes

due and payable, the Board may revoke the registration of the pesticide.”

**7. Advertisements**—Section 40 (3) of the principal Act is hereby amended by inserting, after the word “pesticide”, the words “that is not registered under this Act, or”.

**8. Interpretation in relation to controlled pesticides**—Section 42 of the principal Act is hereby amended by repealing the definition of the term “licensing year”.

**9. Cancellation of licences**—Section 52 of the principal Act is hereby amended by adding the following subsection:

“(13) Every person commits an offence against this Act and is liable to a fine not exceeding \$500 who fails to surrender a cancelled licence when required by subsection (9) of this section to do so.”

**10. Right of appeal to High Court**—Section 70 (1)(d) of the principal Act is hereby amended by adding the words “or under any regulations made pursuant to section 27A of this Act”.

**11. Regulations**—Section 76 (1) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) Prescribing annual registration fees and other fees payable under this Act, and providing for the exemption in whole or in part from the payment of any such fee in any specified case or class of cases:”.

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This Act is administered in the Ministry of Agriculture and Fisheries.

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