

back or otherwise put out of use, the seat shall be measured as if it had been fitted with arms;

- (b) in the case of a vehicle registered as a matatu, the seating capacity shall be determined by the certifying officer at the time of mandatory inspection, on the basis of the difference between the tare weight of the vehicle (including any modification work), and the gross weight of the vehicle as specified by the manufacturer, both figures to be expressed in kilogrammes, as applied to the number of units of sixty-five kilogrammes which would be equivalent to the difference between the two load figures.

8. Rule 87 of the principal Rules is amended by inserting the words "or matatu" immediately after "motor omnibus" both in paragraph (1) and in the marginal note.

Made on the 11th September, 1984.

P. H. OKONDO,
Minister for Transport and Communications.

LEGAL NOTICE No. 146

THE PEST CONTROL PRODUCTS ACT, 1982

(No. 4 of 1982)

IN EXERCISE of the powers conferred by section 15 of the Pest Control Products Act, 1982 the Minister for Agriculture and Livestock Development, after consultation with the Board, makes the following Regulations:—

THE PEST CONTROL PRODUCTS (IMPORTATION AND EXPORTATION) REGULATIONS, 1984

1. These Regulations may be cited as the Pest Control Products (Importation and Exportation) Regulations, 1984 and shall come into operation on the 1st October, 1984.

Citation.

2. (1) No person shall import or export a pest control product for commercial purposes unless that person is in possession of a licence issued under these Regulations.

Importation and exportation prohibited unless licensed.

(2) No licence shall be issued for the importation of a pest control product unless the pest control product is registered in accordance with the Pest Control Products (Registration) Regulations, 1984.

L.N. 46/1984.

(3) No licence shall be issued under these Regulations unless the Board is satisfied that the provisions of the Pest Control Products Act, 1982 have been complied with.

Presumptions.

3. (1) For the purpose of paragraph (1) of regulation 2, a pest control product shall be considered to be for commercial purposes if it is for a use other than scientific research or testing and products imported for resale, manufacture, formulation, owner's use or commodity aid shall be deemed to be imported for commercial purposes.

(2) For the purpose of paragraph (1) of regulation 2, a pest control product shall be deemed to have been exported when it is placed on any ship, aircraft, train or vehicle within Kenya for the purpose of export.

Application for licences.

4. (1) Any person desiring a licence in respect of importation or exportation of a pest control product for commercial purposes shall apply to the Board for a licence in Form PCPB 1 set out in the Schedule which form shall be signed by the importer or exporter, as the case may be, who shall state the purpose of the importation or exportation of the pest control product in the following manner—

(i) "FOR RESALE", where the product is being imported or exported for the purpose of resale whether in the original pack or after repacking; or

(ii) "FOR MANUFACTURING PURPOSES", where the pest control product is being imported or exported for use in the manufacture or formulation of a registered pest control product; or

(iii) "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 respecting where the pest control product shall be used and the nature of that use.

(2) The Board shall from time to time determine the fee to be paid in respect of an application for a licence.

Dealing with applications and issue of licences, etc.

5. (1) The Board may approve an application made under regulation 4 if it is satisfied that—

(a) the application contains the information required under that regulation;

(b) the pest control product contains ingredients that have been previously assessed or evaluated for the purposes of the Act and these Regulations and which have been accepted for registration under the Pest Control Products (Registration) Regulations, 1984, for the use stated in the application, and issue a licence in Form PCPB 1 set out in the Schedule.

(2) Where the Board does not approve an application it shall not be obliged to give any reason therefor.

(3) No person to whom a licence has been issued under these Regulations shall lend, hire, sell, transfer or otherwise dispose of that licence to any other person without the approval of the Board, which approval shall be endorsed on the licence.

(4) The Board may attach to a licence such conditions as it deems fit to impose and in particular any such condition may restrict the

importation and exportation of a pest control product from a specified source or for specified usage and the Board may, from time to time, vary, add to or revoke any of the conditions attached to a licence.

6. (1) It shall be the sole responsibility of the licensee or his agent to ensure that Form POPB 1 is endorsed by the Central Bank of Kenya and to forward a signed copy of the form to the Board.

Duty of licensees, etc.

(2) It shall be the sole responsibility of the importer or his agent to ensure that Form POPB 1 is endorsed by the Customs Department at the port of entry and to forward a signed copy to the Board.

7. Where for any reason a customs officer at a port of entry withholds the release of any pest control product he shall forthwith advise the Board of that action.

Duty of customs officers.

8. (1) The Board may cancel or, for such period as it thinks fit, suspend a licence issued under these Regulations if the Board is satisfied that—

Cancellation and suspension of licences.

(a) the licensee or his servant or agent has been convicted of an offence under the Act; or

(b) the licensee or his servant or agent has committed a breach of any of the terms or conditions of the licence; or

(c) for any other reason, it is in the public interest so to do.

(2) Before cancelling or suspending a licence under this regulation the Board shall give the licensee twenty-eight days' notice to show cause why the licence should not be cancelled or suspended and the Board's decision in the matter shall be final.

SCHEDULE

FORM POPB 1

APPLICATION FOR THE IMPORT/EXPORT OF PEST CONTROL PRODUCTS FOR COMMERCIAL PURPOSE

(to be typed and submitted in quadruplicate)

TO THE SECRETARY

PEST CONTROL PRODUCTS BOARD

WAIYAKI WAY

P.O. BOX 14733

NAIROBI.

Applicant's full Name/Address

Tel. No.

SCHEDULE—(Contd.)

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
2. Country of origin (if being imported)
3. Country of destination (if being exported or re-exported)
4. SITIC No.
5. Approved common name
6. Chemical name
7. Trade name
8. Formulation
9. Concentration (% a.i.)
10. State of product (technical or formulated)

Purpose of import/export

FOR RESALE

FOR MANUFACTURING PURPOSES

FOR IMPORTER'S OWN USE

11. Quantity applied for Total cost
(Freight charges included)
12. Estimated annual usage
13. Previous imports (give dates, quantity and registration number of product).

PCPB 1/DATE

FEAL/DATE

QUANTITY

14. Quantity in stock

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

Chairman
Pest Control Products Board

.....
Date

.....
Secretary
Pest Control Products Board

.....
Date

FEE PAID

TO BE ENTERED BY THE CENTRAL BANK

Feal number

Date of issue

Valid until

Stamp

Signature

TO BE ENTERED BY THE CUSTOMS OFFICER

I certify that the following goods have today been imported/exported.

Name of product

Quantity

C & F value declared

Origin (country and company)

.....

.....

Vessel

Clearing agent

Customs entry No. Date

Stamp and Signature

Date

NOTES

1. Original to be returned to the Board after Central Bank FEAL No. allocation and endorsement.
2. Duplicate to be returned to the Board after Customs declaration.

3. Triplicate to be retained by the Importer/Exporter after Customs declaration.
4. Quadruplicate to be retained by the Board after approval/rejection.
5. "FEAL" means Foreign Exchange Allocation Licence.

Made on the 5th September, 1984.

W. O. OMAMO,
Minister for Agriculture and Livestock Development.

LEGAL NOTICE No. 147

THE CIVIL AVIATION ACT

(Cap. 394)

EXEMPTION

Sub. Leg.

IN EXERCISE of the powers conferred by regulation 82 of the Air Navigation Regulations and in accordance with that regulation the exemption specified in the Schedule was granted in respect of the aircraft, pilot and on the date and times the details of which are duly specified in the Schedule.

Further details of the exemption are deposited with the Director of Civil Aviation.