

GOVERNMENT NOTICE NO. 344 published on 3/5/2024

THE PLANT HEALTH ACT,
(CAP.133)

REGULATIONS

(Made under section 64)

THE PLANT HEALTH (AMENDMENT) REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

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| Citation GN No. 284 of 2023 | 1. These Regulations may be cited as the Plant Health (Amendment) Regulations, 2024 and shall be read as one with Plant Health Regulations, hereinafter referred to as the “principal Regulations”. |
| Amendment of regulation 2 | 2. The principal Regulations are amended in regulation 2 by adding in the appropriate alphabetical order the following definitions: “Authority” has a meaning ascribed to it under the Act; “laboratory” means the plant health laboratory and pesticides laboratory; “partner state” means countries with which Tanzania has harmonised its plant health and pesticides regulations, guidelines, standards and protocols; “Registrar” has a meaning ascribed to it under the Act; |
| Cap. 1 | “United Republic” has a meaning ascribed to it under the Interpretation of Laws Act; |
| Amendment of regulation | 3. The principal Regulations are amended in regulation 4- |

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(a) in subregulation (1), by deleting paragraph (g) and substituting for it the following:

“(g) a receipt of a non-refundable application fee for registration prescribed in the Second Schedule to these Regulations;”

(b) in subregulations (8) and (9) by deleting the words “person concern” and substituting for them the word “applicant”.

Amendment
of regulation
9

4. The principal Regulations are amended in regulation 9 by adding immediately after subregulation (2) the following:

“(3) An experimental use permit shall be valid for one year from the date of its issuance and may be renewed where the pesticide continues to be used for purposes of research.”

Amendment
of regulation
11

5. The principal Regulations are amended in regulation 11(2) by deleting paragraph (h) and substituting for it the following:

“(h) any new scientific finding which disqualifies the application.”

Amendment
of regulation
14

6. The principal Regulations are amended in regulation 14 by deleting subregulation (3) and substituting for it the following:

“3.-(1) The Authority shall issue full registration of biological control agent as set out in the First Schedule where the biological control agent: -

(a) is sufficiently effective against the targeted organism;

(b) does not pose adverse effects to the biodiversity under normal

- conditions of use;
- (c) is not harmful to human or non-target fauna under normal conditions of use;
- (d) has no unacceptable risks on the environment;
- (e) has an acceptable biological efficacy; and
- (f) has a contaminant, such contaminant can be determined by recognized evaluation methods.”

Amendment
of regulation
22

7. The principal Regulations are amended in regulation 22, by-

- (a) adding immediately after subregulation (1) the following:

“(2) For purposes of this regulation, “public interest” means interest affecting political, economic, social, environmental and health matters of the general public.”

- (b) renumbering subregulations (2), (3), (4) and (5) as subregulations (3), (4), (5) and (6) respectively.

Designation
of regulation
29A

8. The principal Regulations are amended by designating the repeated regulation 29 as regulation 29A.

Amendment
of regulation
30

9. The principal Regulations are amended in regulation 30 by deleting the words “expire on thirty first of December of every year, unless is” and substituting for them the words “be valid for one year from the date of its issuance; unless it is”.

Amendment
of regulation

10. The principal Regulations are amended in regulation 31(2), by-

31

- (a) inserting the word “and” immediately after the semicolon appearing at the end of paragraph (c);
- (b) deleting the semicolon and the word “and” appearing at the end of paragraph (d); and substituting for them a full stop; and
- (c) deleting paragraph (e).

Amendment
of regulation
51

11. The principal Regulations are amended in regulation 51 by deleting subregulation (2) and substituting for it the following-

“(2) Notwithstanding subregulation (1), the dimensions and other requirements for a constructed structure for retail shops or bulk storage areas shall be as indicated in the guidelines developed by the Authority.”

Amendment
of regulation
55

12. The principal Regulations are amended in regulation 55(3) by deleting the word “save” appearing in paragraphs (a) and (b) and substituting for it the word “serve”.

Amendment
of regulation
70

13. The principal Regulations are amended in regulation 70 (2) by deleting the word “Service” and substituting for it the word “Authority”.

Amendment
of regulation
95

14. The principal Regulations are amended in regulation 95 (1) by deleting the word “Fifty-first” and substituting for it the words “the First”.

Amendment
of regulation
96

15. The principal Regulations are amended in regulation 96(1)(c) by deleting the words “Fifty second” and substituting for it the words “the First”.

Amendment
of regulation
97

16. The principal Regulations are amended in regulation 97(2) by deleting the word “Fifty-seventh” and substituting for it “the Second”.

Amendment of regulation 114

17. The principal Regulations are amended in regulation 114 by-

- (a) inserting the word “or” at the end of paragraph (b)
- (b) Deleting the semicolon and the word “or” appearing at the end of paragraph (c) and substituting for them a full stop.
- (c) deleting paragraph (d).

Amendment of regulation 117

18. The principal Regulations are amended in regulation 117 -

- (a) in subregulation (1) by inserting the words “from the date of receipt of the decision” immediately after the word “days”.
- (b) in subregulation (5) by deleting the word “Authority” and substituting for it the word “Minister”.

Amendment of First Schedule

19. The principal Regulations are amended in the enabling provision of the First Schedule by-

- (a) deleting figure “29(1)” and substituting for it figure “29(2)”; and
- (b) deleting the words “92 and (6)” and substituting for them the words “92(2), 92(6), and 95 (1)”.

Dodoma,
....., 2024

HUSSEIN M. BASHE
Minister for Agriculture