

(14 November 1997 – to date)

## HAZARDOUS SUBSTANCES ACT 15 OF 1973

*(Gazette No. 3834, No. 550 dated 4 April 1973. See Act for commencement dates.)*

### REGULATIONS UNDER THE HAZARDOUS SUBSTANCES ACT 15 OF 1973

*Government Notice R453 in Government Gazette 5467, dated 25 March 1977. Commencement date: 25 March 1977.*

#### **As amended by:**

*Government Notice R2776 in Government Gazette 9533, dated 21 December 1984. Commencement date: 21 December 1984.*

*Government Notice R1490 in Government Gazette 18412, dated 14 November 1997. Commencement date: 14 November 1997.*

The Minister of Health has, in terms of section 29(1) of the Hazardous Substances Act, 1973 (Act 15 of 1973), read with section 29(10)(a) of the said Act, made the following regulations regarding Group I hazardous substances.

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#### **ANNEXURE A**

HAZARDOUS SUBSTANCES ACT, 1973 (ACT 15 OF 1973) APPLICATION FOR A LICENCE TO CARRY ON BUSINESS AS A SUPPLIER OF GROUP I HAZARDOUS SUBSTANCES

#### **ANNEXURE B**

Prepared by:

LICENCE UNDER SECTION 4 OF THE HAZARDOUS SUBSTANCES ACT, 1973 (ACT 15 OF 1973) TO  
SUPPLY GROUP I HAZARDOUS SUBSTANCES

**ANNEXURE C**

CERTIFICATE IN TERMS OF SECTION 10 (2) OF THE HAZARDOUS SUBSTANCES ACT, 1973 (ACT 15  
OF 1973)

**ANNEXURE D**

SYMBOLS FOR LABELS OF CATEGORY A GROUP I HAZARDOUS SUBSTANCES

**1. DEFINITIONS**

- (1) In these regulations, unless the context otherwise indicates -
- (a) **"container"** means the receptacle or package in which a product is offered for sale but does not include any outer wrapping or box that is not customarily displayed;
  - (b) **"label"**, when used as a noun, means any brand or mark or any written, pictorial or other descriptive matter appearing on or attached to or packed with any grouped hazardous substance or its container, and referring to such substance, and, when used as a verb, means brand or mark or attach or provide in any other manner with any written, pictorial or other descriptive matter;
  - (c) **"licence"** means a licence to carry on business as a supplier of Group I hazardous substances or any category of such substances referred to in section 4(a) of the Act, and **"licensee"** means the holder of such a licence;
  - (d) **"the Act"** means the Hazardous Substances Act, 1973 (Act 15 of 1973);
  - (e) **"wholesale"** means sale or supply for the purposes of resale and not for use by the purchaser; and
  - (f) **"inspector"** means a person appointed as such under section 8(1) of the Act, and includes any person who may, in terms of section 8(3) of the Act, exercise or perform the powers, duties and functions of such an inspector.

**2. LICENCES**

- (1) An application for a licence shall be made in the form set out in Annexure A hereto and shall be submitted to the Regional Director of Health Services<sup>1\*</sup> of the area concerned.

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<sup>1</sup> \* Note.-The addresses are as follows:  
The Regional Director of Health Services, Private Bag X19, Bellville, 7530.  
The Regional Director of Health Services. Private Bag X54318, Durban, 4000.  
The Regional Director of Health Services, Private Bag X101, Ulundi. 3538.  
The Regional Director of Health Services, Private Bag X6013, Port Elizabeth, 6000.  
The Regional Director of Health Services. Private Bag X9395, Pietersburg, 0700.

(2) The form of licence to be issued in terms of section 4 of the Act shall be as set out in Annexure B hereto.

(3)

(i) A licence shall not be issued unless in the opinion of the said Regional Director its issue is desirable in the public interest.

(ii) A licence shall not be issued to any person who is unable to read and write one of the official languages or who in the opinion of the said Regional Director is otherwise unsuitable.

(4) An applicant for a licence shall pay a fee of R20 by means of a revenue stamp for that amount, which shall be affixed to the application form.

*(Regulation 2(4) amended by Government Notice R2776 of 1984)*

(5)

(a) A licence shall have effect only until the 31st day of December in the year in which it is issued.

(b) A licence shall be returned to the said Regional Director forthwith by registered post if it is withdrawn or suspended in terms of section 7 of the Act or if the licensee ceases for any other reason to carry on business as a supplier of Group I hazardous substances.

(6) An applicant whose application for a licence or for the renewal of a licence has been refused may, within 30 days of being notified thereof, appeal to the Minister in terms of section 6 of the Act in writing against such refusal. The applicant shall furnish full reasons for appealing and he shall submit his appeal by registered post.

**3.** A licence shall not be granted except to -

(i) an importer, for the importation of Group I hazardous substances for sale or supply for mining or industrial purposes, or for sale or supply to a wholesale distributor or registered pharmacist in possession of a licence or a bona fide laboratory, research institution or teaching institution;

(ii) a manufacturer, for the importation, manufacture, sale or supply of Group I hazardous substances for mining or industrial purposes or for exportation, or for sale or supply to a wholesale distributor or registered pharmacist in possession of a licence or a bona fide laboratory, research institution or teaching institution;

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The Regional Director of Health Services, P.O. Box 8623, Johannesburg, 2000.  
The Regional Director of Health Services, P.O. Box 441, Bloemfontein, 9300.  
The Regional Director of Health Services, Private Bag X815, Witsieshoek, 9870.  
The Regional Director of Health Services, Katimo Mulilo, 0033.

Prepared by:

- (iii) a wholesale distributor, for the importation, sale or supply of Group I hazardous substances for mining or industrial purposes, or for sale or supply to a wholesale distributor or a registered pharmacist who is in possession of a licence or a bona fide laboratory, research institution or teaching institution; or for the importation, sale or supply of Category B Group I hazardous substances to a person referred to in paragraph (v) who is in possession of a licence;
- (iv) a registered pharmacist conducting a wholesale or retail pharmacy, for the importation, sale or supply of Group I hazardous substances by wholesale or retail;
- (v) a general dealer engaged in retail trade or the responsible officer of a co-operative agricultural society or company, or a co-operative trading society, for the sale or supply of products which contain any Category B Group I hazardous substance and which have been registered with the Department of Agricultural Technical Services under the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947);
- (vi) a dealer for the importation, sale or supply of a poison collar containing a Group I - Category A hazardous substance for the control of problem animals.

*(Regulation 3(vi) added by regulation 2 of Government Notice R1490 of 1997)*

#### **4. CONDITIONS OF SALE OR SUPPLY OF GROUP I HAZARDOUS SUBSTANCES**

- (1) A licence shall authorise the supply or keeping for supply of Group I hazardous substances or a particular category of such substances or certain specified Group I hazardous substances and any sale shall take place only at the address mentioned in the licence and under the control of the person mentioned therein.
- (2) No licensee shall supply any such substance to any other licensee unless he is furnished with the number of the licence issued to such other licensee and endorses such number on the relative invoice.
- (3) A licensee shall keep all Group I hazardous substances in his possession or charge under proper care and control, entirely separate from articles of food or drink and either in a room, a cupboard or an enclosure reserved solely for the purpose and securely locked at all times except when stocks are added or removed.
- (4) No Group I hazardous substance shall be sold over any counter or table used in connection with the handling, preparation or sale of any article of food or drink.
- (5) Subject to subregulation (5A), no person shall sell any Group I hazardous substance except in a container which is securely closed, free from leaks and of sufficient strength to withstand rough usage and preclude any loss of the contents.

*(Regulation 4(5) amended by regulation 3(1) of Government Notice R1490 of 1997)*

(5A) The provisions of subregulation (5) shall not apply to-

- (a) a cyanide cartridge (container) designed for use in a poison-firing apparatus to control problem animals which, when propelled and targeting a problem animal, releases the cyanide on contact; or
- (b) a poison collar (container) which is used for control of problem animals and which is designed in such a way that when a problem animal bites into the poison collar, the poison collar breaks and the contents are released.

*(Regulation 4(5A) inserted by regulation 3(2) of Government Notice R1490 of 1997)*

(6) Every Category B Group I hazardous substance kept for sale by a person referred to in regulation 3(v) shall be kept for sale or supplied in the unbroken, original container as supplied by the manufacturer or wholesale dealer.

## **5. RECORDS TO BE KEPT**

(1) A licensee who is an importer, manufacturer or wholesale distributor of Group I hazardous substances shall keep stock records showing, in respect of such substances imported or acquired by him, the name and quantity of the substance, the date of importation or acquisition and the name of the supplier; and showing in respect of such substances supplied by him for mining or industrial purposes or to a wholesale distributor, a bona fide laboratory, research institution, teaching institution, a Government depart, a Provincial department or a pharmacist engaged in retail trade and, in respect of Category B Group I substances supplied by him to a general dealer engaged in retail trade or the responsible officer of a co-operative agricultural society or company, or a co-operative trading society to whom a licence has been granted, the name and quantity of the substance, the date of supply, the name of the recipient and, if the recipient is required to hold a licence to supply Category A or B Group I hazardous substances, the number of the recipient's licence.

(2) Such stock records, together with invoices or other appropriate documents for substances imported or acquired and copies of invoices or other appropriate documents for substances supplied, shall be kept for a period of at least three years and shall be readily available for scrutiny *[sic]* by an inspector.

## **6.**

(1) Save as provided in regulation 5, a licensee who is authorised to sell or supply substances listed in Category A or B of Group I shall not sell or supply any such substances unless in respect of every sale or supply thereof he enters in a book to be kept exclusively for the purpose (hereinafter called the "Group I hazardous substances book") -

- (a) the date of the sale or supply;

- (b) the name and quantity of the substance;
- (c) the trade name of the product containing the substance;
- (d) the full name and address of the purchaser or recipient; and
- (e) the purpose for which the substance is stated to be required;

and unless he causes to be affixed to such entry the signature of the purchaser or recipient and, if such purchaser or recipient is not already known to him, the signature also of a person whom he knows and who knows the purchaser or recipient: Provided that where the purchase of such a substance is sought on a written order which discloses the purpose for which it is to be used and is signed by a person known to the licensee as a person entitled to sign the book, the licensee may supply the substance and shall retain and keep the order and shall enter all particulars of the sale or supply in the said book.

- (2) If there is a written order or contract relative to the sale or supply of a substance described in Category A of Group I, the licensee shall enter all particulars thereof in the said book but he shall not sell or supply any such substance in fulfilment of any written order or contract unless either the purchaser is known to him or the signature of the purchaser is attested by a magistrate or a commissioner of oaths.
- (3) A licensee shall enter in the Group I hazardous substances book the name and quantity of every substance listed in Category A or B of Group I acquired by him, the date of acquisition and the name and address of the person from whom it was acquired. Every such book shall be kept up-to-date and in proper order, and shall be balanced regularly so as to show clearly the quantity of each Category A substance remaining in stock at the last day of April and September of each year, the balancing to be completed within three days following each of the said dates.
- (4) A licensee shall retain the Group I hazardous substances book for a period of not less than three years from the date of the last entry therein, and he shall retain every invoice relating to the acquisition of Group I hazardous substances and every order relating to the sale or supply of such substances for a period of at least three years. Every such book, invoice or order shall be kept on the premises and shall be made available for inspection on demand by an inspector in terms of the Act.

## **7. HAZARDOUS SUBSTANCES IN CATEGORY A OR B OF GROUP I NOT TO BE SOLD TO PERSONS UNDER 16 YEARS OF AGE EXCEPT ON ORDER**

No substance described in Category A or B of Group I shall be sold or supplied or delivered to any person apparently under the age of 16 years except on a written order which discloses the purpose for which the substance is to be used and bears a signature known to the seller or supplier as that of a person entitled to sign the Group I hazardous substances book. Such order shall be retained by the

seller or supplier for a period of at least three years and the details therein shall be entered by him in the said book.

## 8. LABELLING

(1)

- (a) Each container of a Category A Group I hazardous substance imported, manufactured or packed in the Republic shall be clearly and conspicuously labelled with -
  - (i) the name of the product and the chemical name of the specific hazardous substance or substances contained therein;
  - (ii) the name and address of the supplier;
  - (iii) a skull and crossbones symbol, together with the words "Poison" and "Vergif";
  - (iv) the words "Act 15 of 1973: Group I"; and
  - (v) the words "Keep out of reach of children" and "Hou buite bereik van kinders".
- (b) The said symbol shall conform to one of the symbols appearing in Annexure D of these regulations and shall cover at least one-tenth of the surface area of the label and be at least 1 cm<sup>2</sup> in size.
- (c) A label shall be placed on one or more surfaces of the container so that it can be read horizontally when the container is set down normally.
- (d) An outer package containing one or more inner containers shall be labelled with the skull and crossbones symbol prescribed in paragraph (a), the words "Poison" and "Vergif" and the chemical name of the hazardous substance or substances.

(2)

- (a) A Category B Group I hazardous substance which is imported into the Republic shall be labelled in accordance with subregulation (1).
- (b) A Category B Group I hazardous substance which is manufactured or packed in the Republic shall bear a label which has been approved by the Registering Officers appointed under the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947). The label shall include directions regarding the disposal of the container when empty.

- (3) A Group I hazardous substance acquired for mining or industrial purposes and placed in smaller containers for transfer from one section to another within an establishment may, if there is a wall-chart

in the latter section indicating the risks involved in using the substance, the precautions to be observed and the first aid treatment, be conspicuously labelled only with the name of the substance.

- (4) A Group I substance acquired by a laboratory and placed in smaller containers for transfer from one section to another section of such laboratory may be labelled only with the name of the substance.

## **9. DUTIES OF INSPECTORS AND ANALYSTS**

- (1) The following procedure shall be followed when a sample of a Group I or Group II hazardous substance is taken by an inspector in terms of the powers conferred on inspectors under section 9(1) of the Act:

(a) The licensee or person in charge of the premises shall be notified by the inspector of the sampling and of the purpose thereof. If the sample is not paid for, this notification shall be in writing.

(b)

(i) In the case of a substance where the opening of the package would not hamper analysis or examination, the inspector shall offer to divide the sample into three approximately equal portions and to furnish the licensee or person in charge of the premises with one portion.

(ii) If the said offer is accepted, the sample shall be divided and each portion packed separately, sealed and labelled to indicate its nature and to identify it as a portion of the original sample. One of the portions shall be handed to the licensee or person in charge of the premises, one sent to an analyst for analysis or examination and one kept by the inspector until the case has been finalised. If the contents of one package are not sufficient for analysis or examination if divided as aforesaid, additional packages, similarly labelled and purporting to contain a similar article, shall be obtained and the contents of two or more such packages shall then and there be mixed by the inspector and the mixture divided and dealt with as provided.

(iii) If the said offer is not accepted, the undivided sample shall be packed, sealed, labelled with a special label to indicate its nature and to identify it and sent to an analyst for analysis or examination.

(c)

(i) In the case of a substance which is indivisible the inspector shall offer to take three individual random samples from the stock present and to furnish the licensee or the person in charge of the premises with one sample.



- (ii) If the said offer is accepted, each individual sample shall be packed separately, sealed and labelled to indicate its nature and to identify each sample as a sample taken from the stock present. One of the samples shall be handed to the licensee or the person in charge of the premises, one sent to the analyst for analysis or examination and one kept by the inspector until the case has been finalised.
- (iii) If the said offer is not accepted, the indivisible sample shall be packed, sealed, labelled with a special label to indicate its nature and to identify it, and sent to an analyst for analysis or examination.

- (d) The label of every sample submitted for analysis shall indicate whether or not the sample was divided or whether it was an indivisible sample.
- (e) The original label of the package, if any, or a copy thereof, shall accompany the sample sent to the analyst.
- (f) The sample may be delivered to the analyst by any convenient means, provided the inspector's seal remains intact.

(2)

- (a) Reports on samples analysed or examined in terms of regulation 9(1) shall be in the form shown in Annexure C.
- (b) In the case of a sample of a substance which is found on analysis or examination to be falsely described or otherwise not to conform to the requirements of the Act and which was not divided by the inspector, the unused portion, if any, of the sample shall be closed, sealed and retained by the analyst until after the conclusion of any prosecution in connection therewith.

- (3) A fee of R50 shall be paid by an accused person in respect of an analysis or examination carried out at his request in terms of section 11(1) of the Act.

*(Regulation 9(3) amended by Government Notice R2776 of 1984)*

## **10. DISPOSAL OF EMPTY CONTAINERS**

- (1) Every container of a Category B Group I hazardous substance which is returnable to a supplier shall, before being so returned, be securely closed so as to preclude any loss of its contents.
- (2) Every such returned container shall, after being cleaned, be used only as a Category B Group I hazardous substances container.

- (3) Every empty container of a Category B Group I hazardous substance which has no notification on the label that the container must be returned to the supplier, shall be perforated and flattened and then buried in the ground or disposed of in any other safe manner.
  - (4) No container that at any time contained a Group I hazardous substance may be used as a container for any foodstuff or cosmetic as defined by the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972).
  - (5) No empty container that contained a foodstuff or cosmetic as defined by the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972), shall be used as a container for any Group I hazardous substance.
- 11.** Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding R500.

**ANNEXURE A**

**REPUBLIC OF SOUTH AFRICA**

**HAZARDOUS SUBSTANCES ACT, 1973 (ACT IS OF 1973) –  
APPLICATION FOR A LICENCE TO CARRY ON BUSINESS AS A SUPPLIER OF GROUP I  
HAZARDOUS SUBSTANCES**

1.
  - (a) Full name (in block letters) .....
  - (b) Full business address (identifying locality where business will be conducted) .....
  - (c) Name under which business will be conducted .....
  - (d) Capacity in which the application is made .....
  
2. What category or items of Group I hazardous substances do you desire to supply? .....
  
3. Is a separate room, cupboard or enclosure available in which the hazardous substances can be kept under lock and key .....
  
4. Has an application by you for a certificate authorising the sale of poisons under the Medical, Dental and Pharmacy Act, 1~28 (Act 13 of 1928) been refused at any time? ..... If so, furnish reasons .....
  
5. Are you conversant with the provisions of Act 15 of 1973 and the regulations regarding Group I hazardous substances? .....
  
6. Have you previously been granted a licence in terms of Act 15 of 1973? If so, please quote the number and date of issue thereof and your address at the time .....

.....

Date

.....

Signature of applicant

Revenue Stamp  
R10

Prepared by:

**ANNEXURE B**

**REPUBLIC OF SOUTH AFRICA**

**LICENCE UNDER SECTION 4 OF THE HAZARDOUS SUBSTANCES ACT, 1973 (ACT 15 OF 1973) TO  
SUPPLY GROUP I HAZARDOUS SUBSTANCES**

I hereby authorise .....  
of.....  
to carry on business as a supplier of the undermentioned Group I hazardous substances until 31 December  
19..... subject to the provisions of the Hazardous Substances Act, 1973, and the regulations made  
thereunder: Provided that the sale or supply of the said substances is effected only at the said address by or  
under the supervision of the said person.

Substances that may be sold or supplied .....  
.....  
.....  
.....

Place .....

.....

Secretary for Health

Datum/Date.....

**ANNEXURE C**

**REPUBLIC OF SOUTH AFRICA**

**CERTIFICATE IN TERMS OF SECTION 10(2) OF THE HAZARDOUS SUBSTANCES ACT, 1973 (ACT 15 OF 1973)**

Inspector's Serial No. of sample .....

Laboratory No. of sample .....

**CERTIFICATE OF ANALYST**

To.....  
.....  
.....

I, .....,  
an analyst authorised under section 10(1) of the Hazardous Substances Act, 1973 (Act 15 of 1973), hereby  
certify that on the ..... day of..... 19.....  
I received from ..... of ..... a sample stated by him to be  
of.....; that the sample was contained in an intact package bearing the  
inspector's serial number .....  
and with the inspector's seal impressed (1) ....., which seal was intact, and with  
the label or copy of the label attached hereto (2); and that I have analysed the said sample and declare that  
the results of my analysis are as follows .....

I am of the opinion that the sample .....

Signed .....  
Analyst

Place .....

Date .....

- (1) If seal is numbered, insert number; if not, describe seal.
- (2) This refers to the label under which the article was sold. Strike out these words if no label (original or copy) is attached.

## ANNEXURE D

### SYMBOLS FOR LABELS OF CATEGORY A GROUP I HAZARDOUS SUBSTANCES



To be printed in black on orange-yellow background.



To be printed in black on white background