

Statutory Instrument 1997 No. 7

The Plant Protection Products (Amendment) Regulations 1997

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STATUTORY INSTRUMENTS

1997 No. 7

PESTICIDES

The Plant Protection Products (Amendment) Regulations 1997

<i>Made</i>	<i>3rd January 1997</i>
<i>Laid before Parliament</i>	<i>8th January 1997</i>
<i>Coming into force</i>	
<i>All regulations except for regulation 3</i>	<i>31st January 1997</i>
<i>Regulation 3(a)</i>	<i>31st March 1997</i>
<i>Regulation 3(b)</i>	<i>30th April 1997</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated^[1] for the purposes of section 2(2) of the European Communities Act 1972^[2] in relation to the common agricultural policy of the European Community, acting jointly in exercise of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title, commencement and interpretation

1 . - (1) These Regulations may be cited as the Plant Protection Products (Amendment) Regulations 1997 and shall come into force-

- (a) as respects all regulations except for regulation 3 on 31st January 1997;
- (b) as respects regulation 3(a) on 31st March 1997; and
- (c) as respects regulation 3(b) on 30th April 1997.

(2) In these Regulations "the principal Regulations" means the Plant Protection Products Regulations 1995^[3].

Amendment of the principal Regulations

2 . The principal Regulations shall be amended in accordance with regulations 3 to 9 of these Regulations and any reference in those provisions to any specified provision shall, unless the context requires otherwise, be taken to be a reference to the provision so specified of the principal Regulations.

3 . In regulation 2(1), in the definition of "the Directive"-

(a) after sub-paragraph (e) there shall be inserted the following sub-paragraph-

" (f) Commission Directive 96/12/EC^[4]";

(b) after sub-paragraph (f) there shall be inserted the following sub-paragraph-

" (g) Commission Directive 96/46/EC^[5]."

4 . In regulation 20-

(a) for paragraph (1) there shall be substituted the following paragraph-

" (1) Where there has been a contravention, in relation to any plant protection product, of any prohibition, requirement or condition imposed by or under these Regulations in relation to that plant protection product, either of the Ministers shall have the power-

(a) to seize or dispose of the plant protection product or require the holder of the approval, or any other person appearing to the Minister to be the owner or the person in charge of that plant protection product, to dispose of it;

(b) to seize or dispose of anything treated with the plant protection product or require any person appearing to the Minister to be the owner or the person in charge of anything so treated to dispose of it;

(c) to require the holder of the approval, or any other person appearing to the Minister to be the owner or the person in charge of the plant protection product, to take such remedial action as appears to that Minister to be necessary as a result of the contravention including, where it appears to be necessary as a

result of the contravention, recovery of the plant protection product from the market in Great Britain.";

(b) at the end of the regulation there shall be inserted the following paragraph-

" (3) Any person who contravenes or causes or permits any person to contravene any requirement imposed under this regulation shall be guilty of an offence."

5 . In regulation 21(2)(a) for the word "he" there shall be substituted the words "the former".

6 . For regulation 22(1) there shall be substituted the following paragraph-

" (1) A person guilty of an offence under regulation 3(6), 5(7), 7(8), 8(3), 9(7), 10(4), 11(7), 18(2), 19(2), 20(3) or 21(1) or (2) shall be liable-

(a) on summary conviction, to a fine of an amount not exceeding the statutory maximum; and

(b) on conviction on indictment, to a fine."

7 For regulation 24(2) there shall be substituted the following paragraph-

" (2) This regulation applies to any offence under regulation 3(6), 5(7), 7(8), 8(3), 9(7), 10(4), 11(7), 14(2), 16(5) or (6), 18(2), 19(2) or 20(3)."

8 . In regulation 27, for paragraphs (1) and (2) there shall be substituted the following paragraphs-

" (1) The 1986 Regulations shall not apply to any plant protection product the placing on the market and use of which are, or under Schedule 3 have become, subject to the prohibitions specified in regulation 3(1) and (2).

(2) The 1986 Regulations shall not apply to any plant protection product which is approved under regulation 9."

9 . In paragraph 6 of Schedule 2 at the end of the paragraph there shall be inserted the following words "and where they make such a requirement they shall do so in writing by notice served on persons holding approvals for the plant protection products concerned".

Angela Browning

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

3rd January 1997

Lindsay

Parliamentary Under Secretary of State, Scottish Office

20th December 1997

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Plant Protection Products Regulations 1995 (S.I. 1995/887), as amended (S.I. 1996/1940), ("the principal Regulations") which implement in Great Britain Council Directive 91/414/EEC concerning the placing of plant protection products on the market ("the Directive"), as amended by Commission Directive 93/71/EEC, Commission Directive 94/37/EC, Commission Directive 94/79/EC, Commission Directive 95/35/EC and Commission Directive 95/36/EC, each of which amends Annexes II and III to the Directive.

The Regulations-

- (a) amend the definition of the Directive provided in the principal Regulations in consequence of Commission Directive 96/12/EC (OJ No. L65, 15.3.96, p. 20) and Commission Directive 96/46/EC (OJ No. L214, 23.8.96, p. 18), each of which amends Annexes II and III to the Directive (regulation 3);
- (b) make certain modifications to the powers of seizure and disposal (regulation 4) and strengthen the enforcement of such powers (regulations 6 and 7);
- (c) extend the disapplication of the Control of Pesticides Regulations 1986 (S.I. 1986/1510) to plant protection products which are approved under regulation 9 of the principal Regulations (regulation 8);
- (d) make certain minor amendments in order to clarify the principal Regulations (regulations 5 and 9).

A compliance cost assessment has been prepared and a copy has been placed in the library of each House of Parliament. Copies of the compliance cost assessment can be obtained from the Pesticides Safety Directorate of the Ministry of Agriculture, Fisheries and Food, Room 30LR8, Mallard House, Kings Pool, 3 Peasholme Green, York YO1 2PX.

Notes:

[1] S.I. 1972/1811. [back](#)

[2] 1972 c.68. [back](#)

[3] S.I. 1995/887, amended by S.I. 1996/1940. [back](#)

[4] OJ No. L65, 15.3.96, p. 20. [back](#)

[5] OJ No. L214, 23.8.96, p. 18. [back](#)

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