

Statutory Instrument 1995 No. 16

The Fertilisers (Amendment) Regulations 1995

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STATUTORY INSTRUMENTS

1995No. 16

AGRICULTURE

The Fertilisers (Amendment) Regulations 1995

<i>Made</i>	<i>3rd January 1995</i>
<i>Laid before Parliament</i>	<i>9th January 1995</i>
<i>Coming into force</i>	<i>30th January 1995</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 66(1), 68(1), (2) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A(1), (2) and (4) and 84 of the Agriculture Act 1970^[1] and of all other powers enabling them in that behalf, after consultation in accordance with Section 84(1) of the said Act with such persons or organisations as appear to them to represent the interests concerned, and the Secretary of State, being the Minister designated^[2] for the purposes of Section 2(2) of the European Communities Act 1972^[3] in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, in exercise of the powers conferred on him by the said Section 2(2), and of all other powers enabling him in that behalf, hereby make the following Regulations:

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Fertilisers (Amendment) Regulations 1995 and shall come into force on 30th January 1995.

(2) In these Regulations "the principal Regulations" means the Fertilisers Regulations 1991^[4].

Amendment of the principal Regulations

2. The principal Regulations are hereby amended in accordance with regulations 3 and 4 below.

3.—(1) After regulation 3 there shall be inserted the following regulation:

"3A. No person shall sell for the final use by the purchaser as a fertiliser any Ammonium nitrate as defined in column (3) of Section A of the table in Schedule 1 which, not being designated as an EEC fertiliser, contains more than 28% by weight of nitrogen, unless the material is in a container which complies with the provisions of Part II of Schedule 2."

(2) In regulation 4—

- (a) in paragraph (1), the words "or have in possession with a view to sale" shall be deleted;
- (b) in paragraph (3), for the words "the intending purchaser" there shall be substituted the words "any intending purchaser".

4. In the table in Schedule 1—

- (a) In Group 1(a) of Section A ("STRAIGHT FERTILISERS")—
 - (i) in the provisions relating to Ammonium nitrate, in column (3) ("Meaning") the words "is designated as an EEC fertiliser and" shall be deleted;
 - (ii) after the provisions relating to the material Nitrate of lime and magnesium, there shall be inserted in columns (2) to (4) the following provisions:

"Magnesium nitrate. When marketed in the form of crystals a note "in crystallised form" may be added.	Chemically obtained product containing as its essential ingredient hexahydrated magnesium nitrate and containing not less than 10% nitric nitrogen (N) and 14% magnesium oxide (MgO).	Amount of:— nitric nitrogen; magnesium oxide soluble in water.
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- (iii) after the provisions relating to the material Urea, there shall be inserted in columns (2) to (4) the contents of Schedule 1 to these Regulations;
- (b) in Section B ("COMPOUND FERTILISERS")—
 - (i) at the end of the provisions relating to the materials itemised in Group 1, there shall be added in columns (2) to (4) the contents of Schedule 2 to these Regulations;
 - (ii) at the end of the provisions relating to the materials itemised in Group 2, there shall be added in columns (2) to (4) the contents of Schedule 3 to these Regulations; and
 - (iii) at the end of the provisions relating to the materials itemised in Group 3, there shall be added in columns (2) to (4) the contents of Schedule 4 to these Regulations;
- (c) in Section C ("FLUID FERTILISERS")—
 - (i) in Group 1(a), after the provisions relating to the material Calcium nitrate solution, there shall be inserted in columns (2) to (4) the following provisions:

Magnesium	Product obtained chemically and by dissolving magnesium nitrate in water and containing	"Amount of:— nitric
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nitrate solution.	not less than 6% nitrogen (N) and 9% magnesium oxide (MgO). The pH should be not less than 4.	nitrogen; magnesium oxide soluble in water.
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- (ii) for the provisions relating to the materials itemised in Group 2, other than the materials PK fertiliser solution and PK fertiliser suspension, there shall be substituted the contents of Schedule 5 to these Regulations;
- (d) in Section D ("FERTILISERS CONTAINING BORON, COBALT, COPPER, IRON, MANGANESE, MOLYBDENUM OR ZINC AS TRACE ELEMENTS")—
- (i) for the heading and the provisions relating to the materials itemised in Group 1, there shall be substituted the contents of Schedule 6 to these Regulations;
- (ii) above the provisions relating to the materials itemised in Group 2, there shall be added the heading "FERTILISERS CONTAINING A MIXTURE OF TRACE ELEMENTS";
- (iii) in the provisions relating to the materials itemised in Group 2—
- (A) in column (1), for the figure "2" there shall be substituted the figure "8";
- (B) in column (3), for the words "Product of two or more of the products listed in (1) above" there shall be substituted the words "Mixture of two or more of the trace elements listed in Group 1 above";
- (e) in Section E ("FERTILISERS CONTAINING MAINLY CALCIUM, MAGNESIUM OR SULPHUR AS NUTRIENTS")—
- (i) for the heading there shall be substituted the heading "SECTION E: SECONDARY NUTRIENTS FERTILISERS";
- (ii) after the provisions relating to the material Magnesium sulphate, there shall be inserted in columns (2) to (4) the following provisions:

"Magnesium sulphate solution. The usual trade names may be added.	Product obtained by dissolution in water of magnesium sulphate of industrial origin containing not less than 5% magnesium oxide (MgO) and not less than 10% sulphur trioxide (SO ₃).	Amount of: — water-soluble magnesium oxide. Optional declarations Amount of water-soluble sulphur trioxide.
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Angela Browning
Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food
3rd January 1995

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish Office
22nd December 1994
Signed by authority of the Secretary of State for Wales

Gwilym Jones

Parliamentary Under Secretary of State, Welsh Office

22nd December 1994

Notes:

[1] 1970 c. 40; Section 74A was inserted by paragraph 6 of Schedule 4 to the European Communities Act 1972 (c. 68) and there are other amendments to the Act not relevant to these Regulations. The definition of "the Ministers" in section 66(1) was amended by S.I. 1978/272.
back

[2] S.I. 1976/897. back

[3] 1972 c. 68. back

[4] S.I. 1991/2197. back

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*Prepared 20th September
2000*