

Statutory Instrument 1994 No. 1985

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations 1994

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STATUTORY INSTRUMENTS

1994No. 1985

AGRICULTURE PESTICIDES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations 1994

Made

25th July 1994

*Coming into force in accordance with
regulation 1*

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 the said Minister and the Secretary of State, acting jointly in exercise of the powers conferred on them by sections 16(2)(k) and (l), (15) and 24(1) and (3) of the Food and Environment Protection Act 1985^[3] and of all other powers enabling them in that behalf, after consultation in accordance with section

16(9) of the said Act of 1985 with the Advisory Committee on Pesticides established under section 16(7) of the said Act of 1985^[4], hereby make the following Regulations a draft whereof has been laid before and approved by resolution of each House of Parliament:

Title and commencement

1. These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s Regulations 1994 and shall come into force on the day after the day on which they are made.

Interpretation: general

- 2.—(1) In these Regulations-
- "product" means any crop, food or feeding stuff specified in Schedule 2;
 - "putting into circulation", in relation to any product, means any handing over, whether or not for a consideration, of that product-
 - (a) in the case of fruit and vegetables, after they have been harvested, and
 - (b) in any other case, at any time^[5].

(2) Any reference in these Regulations to a Schedule or to a Regulation shall be construed as a reference respectively to a Schedule to these Regulations or to a Regulation in these Regulations.

(3) Any reference in a Schedule to any product, figure or pesticide includes any qualifying words relating to that product, figure or pesticide in that Schedule.

Interpretation: pesticide residue

3. Any reference in these Regulations to a pesticide residue left or contained in any product after the application to that product or to land on which it is grown of a pesticide named in column 1 of Schedule 1 is a reference to the substance named in column 2 of that Schedule opposite that pesticide.

Maximum residue levels

4. The maximum level of any pesticide residue which may be left in any product named in Part I of Schedule 2 after the application to that product or to land on which it is grown of any pesticide shall be the number of milligrammes of the pesticide residue per kilogramme of the product (if any) specified opposite the name of that product under the name of that pesticide.

5.—(1) No person shall put into circulation any product named in Part 2 of Schedule 2 which, after the application to that product or to land on which it is grown of any pesticide, contains a level of pesticide residue greater than the number of milligrammes of that pesticide residue per kilogramme of the product (if any) specified opposite the name of that product under the name of that pesticide.

(2) Any person who without reasonable excuse, contravenes, or causes or permits any other person to contravene any provision of this Regulation shall be guilty of an offence, and shall be liable-

- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment, to a fine.

(3) In any proceedings for an offence under this Regulation it is a defence for the person charged to prove that when the product in question was put into circulation-

- (a) it was so put with the intention of its being exported to a country which is not a Member State and the offence was caused by a treatment applied to that product being a treatment-
 - (i) required by the country of destination in order to prevent the

- introduction of harmful organisms into its territory, or
 - (ii) necessary to protect the product from harmful organisms during transport to the country of destination and storage there, or
- (b) it was so put with the intention that-
- (i) it be used in the manufacture of things other than foodstuffs and animal feed, or
 - (ii) it be used for sowing or planting.

(4) Section 19 of and Schedule 2 to the Food and Environment Protection Act 1985 shall apply for the purposes of this Regulation as it applies for the purposes of that Act taking references therein to that Act or any part of it to be references to this Regulation.

Seizure or disposal of crops, food or feeding stuffs

6. If any product has in it, after the application of any pesticide named in column 1 of Schedule 1, a level of pesticide residue above that permitted to be in it by either regulation 4 or 5(1), the Minister of Agriculture, Fisheries and Food and the Secretary of State shall each have power-
- (a) to seize or dispose of the consignment containing that product or any part of it, or to require that some other person shall dispose of it, or
 - (b) to direct some other person to take such remedial action as appears to the said Minister or to the Secretary of State, as the case may be, to be necessary.

Sampling and analysis

7. In determining for the purposes of regulation 4 or 5 whether the level of pesticide residue left or contained in any product exceeds the maximum permitted-
- (a) the whole or such part only of that product shall so far as is practicable, be taken into account as specified in column 3 of Schedule 3 opposite the name of that product in column 2 of that Schedule,
 - (b) the procedure laid down in Part 5 of the Codex Recommendations Concerning Pesticide Residues^[6] shall so far as is practicable be followed, and
 - (c) in the case of any product named in paragraph 3, 4 or 5 of Schedule 2 which has been dried that Schedule shall have effect as if for the number of milligrammes of each pesticide residue specified opposite the name of that product there were substituted that number of milligrammes divided by the fraction of 1 kilogramme to which 1 kilogramme of the product is reduced by the drying process.

Extent

8. These Regulations do not extend to Northern Ireland.

Revocation

9. The Pesticides (Maximum Residue Levels in Food) Regulations 1988^[7] are hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on
25th July 1994.

William Waldegrave

Minister of Agriculture, Fisheries and Food

Hector Munro

Parliamentary Under Secretary of State, Scottish Office

19th July 1994

Cumberlege

Parliamentary Under Secretary of State, Department of Health

20th July 1994

Notes:

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

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

[3] 1985 c. 48; "the Ministers" is defined in section 24(1). [back](#)

[4] Established by S.I. 1985/1516. [back](#)

[5] This definition is derived, in its application to fruit and vegetables, from Article 2(2) of Council Directive 76/895/EEC (O.J. No. L340, 9.12.76, p.26) and, in its application to other products, from Article 2(2) of Council Directive 86/362/EEC (O.J. No. L221, 7.8.86, p.37) and Article 2(2) of Council Directive 86/363/EEC (O.J. No. L221, 7.8.86, p.43). [back](#)

[6] Food and Agriculture Organisation of the United Nations and World Health Organisation Joint Food Standards Programme Codex Alimentarius Commission, document CAC/PR5-1984. Part 5 is entitled "Recommended Method of Sampling for the Determination of Pesticide Residues". [back](#)

[7] S.I. 1988/1378. [back](#)

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Prepared 20th September 2000