

2019 No. 118

**EXITING THE EUROPEAN UNION, NORTHERN
IRELAND**

AGRICULTURE, NORTHERN IRELAND

PESTICIDES, NORTHERN IRELAND

**The Pesticides (Amendment) (Northern Ireland) (EU Exit)
Regulations 2019**

Sift requirements satisfied 10th January 2019

Made - - - - 24th January 2019

Laid before Parliament 28th January 2019

Coming into force in accordance with regulation 1(1)

The Secretary of State, in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a), makes the following Regulations.

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Pesticides (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 and come into force on exit day.

(2) These Regulations extend to Northern Ireland only.

Amendment of the Pesticides (Maximum Residue Levels) Regulations (Northern Ireland) 2008

2.—(1) The Pesticides (Maximum Residue Levels) Regulations (Northern Ireland) 2008(b) are amended as follows.

(2) Omit regulations 4 and 5.

(3) In regulation 6, in the words following paragraph (b)—

(a) for “covered by Annex I to Regulation 396/2005”, substitute “listed in Section A or B of a list in Part 1 of the MRLs register in relation to Northern Ireland”;

(a) 2018 c. 16.

(b) S.R. 2008 No. 433.

(b) for “that Regulation”, in the first place it occurs, substitute “Regulation 396/2005”.

(4) In Schedule 1, in paragraph 4, in the words before sub-paragraph (a), after “applies”, insert “, in relation to Northern Ireland,”.

Saving: the Pesticides (Maximum Residue Levels) Regulations (Northern Ireland) 2006

3.—(1) The amendments made to regulation 6 of the Pesticides (Maximum Residue Levels) (Northern Ireland) Regulations 2008 by regulation 2 do not affect—

- (a) any obligation or liability acquired, accrued or incurred immediately before exit day;
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed before exit day; or
- (c) any investigation, legal proceeding or remedy in respect of sub-paragraph (a) or (b).

(2) Any penalty, forfeiture or punishment referred to in paragraph (1)(b) may be imposed as if regulation 2 had not come into force.

(3) Any investigation, legal proceeding or remedy referred to in paragraph (1)(c) may be instituted, continued or enforced as if regulation 2 had not come into force.

Amendment of the Plant Protection Products Regulations (Northern Ireland) 2011

4.—(1) The Plant Protection Products Regulations (Northern Ireland) 2011(a) are amended as follows.

(2) In regulation 2(1), in the definition of “Regulation 1107/2009”, for “Articles 30(3) and 52(4) and Annexes I to V”, substitute “Article 30(3) and Annexes 2 and 4”.

(3) Omit regulation 3.

(4) In regulation 9—

(a) for paragraph (1), substitute—

“(1) A person must not place on the market or use in a constituent territory (“the relevant constituent territory”) seeds treated with a plant protection product, other than an appropriate plant protection product, or cause or permit another person to do so.

(1A) Paragraph (1) does not apply in relation to seeds which a competent authority must not prohibit in accordance with Article 49 as read with paragraph 14 of Schedule 1 to the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019.”;

(b) after paragraph (2) insert—

“(3) In this regulation, “treated seeds” means seeds treated with an appropriate plant protection product, or seeds which a competent authority must not prohibit in accordance with Article 49 as read with paragraph 14 of Schedule 1 to the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019.

(4) In this regulation, “appropriate plant protection product” means—

- (a) a plant protection product authorised in relation to the relevant constituent territory for use on such seeds; or
- (b) a plant protection product authorised in relation to another constituent territory for use on such seeds, where—
 - (i) every active substance, low-risk active substance or candidate for substitution in that product is approved in relation to the relevant constituent territory; and
 - (ii) every co-formulant in that product does not appear on the unacceptable co-formulants register in relation to the relevant constituent territory.”.

(5) In regulation 16(c), at the end, insert “ as it had effect immediately before 14 June 2011”.

(a) S.R. 2011 No. 295, amended by S.R. 2012 No. 12 and S.I. 2012/1657.

(6) In regulation 19—

(a) in paragraph (2)—

(i) in sub-paragraph (b), after “Article 40(1)”, insert “ as it had effect immediately before exit day”;

(ii) in sub-paragraph (c), after “Article 40(2)”, insert “ as it had effect immediately before exit day”;

(iii) in sub-paragraph (e), omit “ Article 52(1) or”;

(b) in paragraph (5), omit “ Article 52(1) or”.

(7) In regulation 27(1), after “Article 80(5), insert “ as it had effect immediately before exit day”.

Saving: the Plant Protection Products Regulations (Northern Ireland) 2011

5.—(1) The amendments made to regulation 9 of the Plant Protection Products Regulations (Northern Ireland) 2011 by regulation 4, do not affect—

(a) any obligation or liability acquired, accrued or incurred immediately before exit day;

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed before exit day; or

(c) any investigation, legal proceeding or remedy in respect of (a) or (b) above.

(2) Any penalty, forfeiture or punishment referred to in paragraph (1)(b) may be imposed as if regulation 4 had not come into force.

(3) Any investigation, legal proceeding or remedy referred to in paragraph (1)(c) may be instituted, continued or enforced as if regulation 4 had not come into force.

6.—(1) The amendments made to regulation 19(2)(e) and (5) of the Plant Protection Products Regulations (Northern Ireland) 2011 made by regulation 4(6)(a)(iii) and 4(6)(b), do not affect—

(a) any obligation or liability acquired, accrued or incurred immediately before exit day;

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed before exit day; or

(c) any investigation, legal proceeding or remedy in respect of (a) or (b) above.

(2) Any penalty, forfeiture or punishment referred to in paragraph (1)(b) may be imposed as if regulation 4(6)(a)(iii) and 4(6)(b) had not come into force.

(3) Any investigation, legal proceeding or remedy referred to in paragraph (1)(c) may be instituted, continued or enforced as if regulation 4(6)(a)(iii) and 4(6)(b) had not come into force.

George Eustice

Minister of State

Department for Environment, Food and Rural Affairs

24th January 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to Northern Ireland subordinate legislation in the field of pesticides and, in particular, amend legislation relating to plant protection products and the maximum residue levels of pesticides.

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16), in order to address failures of retained EU law to operate effectively and other deficiencies, in Northern Ireland legislation relating to pesticides, arising from the withdrawal of the UK from the European Union.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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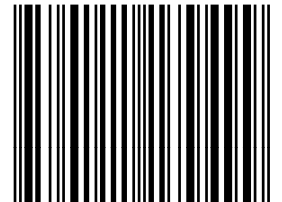
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