

SCHEDULE

Regulation 9.

“SCHEDULE 1

Regulation 6(a)

Conditions Relating to Consent to the Advertisement of Pesticides

1.—(1) An advertisement of a pesticide shall relate only to such conditions as are permitted by the approval given in relation to that pesticide.

(2) An advertisement of a pesticide shall not contain any claim for safety in relation to that pesticide which is not permitted by the approval given in relation to that pesticide to be on the label for the pesticide.

2.—(1) Any advertisement of a pesticide, other than a notice at the point of sale which is intended to draw attention solely to product name and price, shall include—

(a) a statement of each active ingredient of each pesticide mentioned in the advertisement, such statement being the name by which each active ingredient is identified in the approval given in relation to the pesticide in which it is contained;

(b) a general warning as follows:

“Always read the label. Use pesticides safely”; and

(c) where required by a condition of the approval given in relation to a pesticide mentioned in the advertisement, a statement of any special degree of risk to human beings, creatures, plants or the environment.

(2) Notwithstanding sub-paragraph (1)(a)—

(a) any price list consisting only of an indication of product availability and price need not state the active ingredient of each pesticide;

(b) any advertisement of a range of pesticides need only state the active ingredients of those individual products which are identified by name.

(3) Any statement or warning given under this paragraph shall be—

(a) in the case of a printed or pictorial advertisement, clearly presented separately from any other text; and

(b) in the case of an advertisement which is broadcast or recorded or is stored or transmitted by electronic means, clearly spoken or shown separately.

3. In this Schedule “advertisement” means any printed, pictorial, broadcast or recorded advertisement and includes any advertisement which is stored or transmitted by electronic means.

SCHEDULE 2

Regulation 6(b)

Conditions Relating to Consent to the Sale, Supply and Storage of Pesticides

1. It shall be the duty of all employers to ensure that persons in their employment who may be required during the course of their employment to sell, supply or store pesticides are provided with such instruction, training and guidance as is necessary to enable those persons to comply with any requirements provided in and under these Regulations.

2.—(1) Any person who sells, supplies or stores a pesticide shall—

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- (a) take all reasonable precautions, particularly with regard to storage and transport, to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water; and
 - (b) be competent for the duties which that person is called upon to perform.
- (2) In this paragraph “water” means—
- (a) any surface water;
 - (b) any ground water.
3. A person shall not sell, supply or otherwise market to the end-user an approved pesticide other than in the container which has been supplied for that purpose by the holder of the approval of that pesticide and labelled in a manner consistent with the approval.
4. A person shall not store for the purpose of sale or supply a pesticide approved for agricultural use in a quantity in excess of, at any one time, 200 kg or 200 litres, or a similar mixed quantity, unless that person—
- (a) has obtained a certificate of competence recognised by the Department; or
 - (b) stores that pesticide under the direct supervision of a person who holds such a certificate.
5. A person shall not sell, supply or otherwise market to the end-user a pesticide approved for agricultural use unless that person—
- (a) has obtained a certificate of competence recognised by the Department; or
 - (b) sells or supplies that pesticide under the direct supervision of a person who holds such a certificate.
6. In paragraphs 4 and 5—
- “pesticide approved for agricultural use” means a pesticide (other than a pesticide with methyl bromide or chloropicrin as one of its active ingredients) approved for one or more of the following uses—
- (a) agriculture and horticulture (including amenity horticulture);
 - (b) forestry;
 - (c) in or near any surface water other than for amateur, public hygiene or anti-fouling uses;
 - (d) industrial herbicides, including weed-killers for use on land not intended for the production of any crop.

SCHEDULE 3

Regulation 6(c)(i)

Conditions Relating to Consent to the Use of Pesticides

1. It shall be the duty of all employers to ensure that persons in their employment who may be required during the course of their employment to use pesticides are provided with such instruction, training and guidance as is necessary to enable those persons to comply with any requirements provided in and under these Regulations.

2.—(1) Any person who uses a pesticide shall take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water.

- (2) In this paragraph “water” means—
- (a) any surface water;

- (b) any ground water.
- 3. A person in the course of a business or employment shall not use a pesticide, or give an instruction to others on the use of a pesticide, unless that person—
 - (a) has received adequate instruction, training and guidance in the safe, efficient and humane use of pesticides; and
 - (b) is competent for the duties which that person is called upon to perform.
- 4. Any person who uses a pesticide shall confine the application of that pesticide to the land, crop, structure, material or other area intended to be treated.
- 5.—(1) Subject to sub-paragraph (4), a person shall not use a pesticide in conjunction with an adjuvant in any manner unless—
 - (a) that adjuvant has been specified, upon application by any person (in this paragraph referred to as “the applicant”) to the Department, in a list of adjuvants published by the Department from time to time (in this paragraph referred to as “the list”); and
 - (b) the use of that pesticide with that adjuvant in that manner is in accordance with—
 - (i) the conditions of the approval given in relation to that pesticide; and
 - (ii) any requirements to which the use of that adjuvant with that pesticide is subject, as determined or amended under sub-paragraph (2)(a)(ii) or (iii).
- (2) In the application of this paragraph—
 - (a) the Department may, in relation to any adjuvant specified in the list, at any time—
 - (i) determine data requirements (concerning human safety or environmental protection) to which the specification of that adjuvant in the list shall be subject;
 - (ii) determine requirements to which the use of that adjuvant with approved pesticides shall be subject;
 - (iii) for reasons of human safety or environmental protection, or with the consent of the applicant, amend any requirement which has been determined under sub-paragraph (i);
 - (b) the Department shall, in relation to any adjuvant specified in the list, also specify in that list any requirements which it has determined or amended under paragraph (a)(ii) or (iii).
- (3) In the application of this paragraph—
 - (a) the Department may, in relation to any adjuvant specified in the list, remove that adjuvant from the list—
 - (i) if it appears to it that the applicant has failed to comply with any data requirement which has been determined in relation to that adjuvant under sub-paragraph (2)(a)(i);
 - (ii) if it appears to it that any relevant literature relating to the adjuvant is not in accordance with any requirement to which the use of that adjuvant is subject, as determined or amended under sub-paragraph (2)(a)(ii) or (iii);
 - (iii) if it appears to it that—
 - (aa) any relevant literature relating to the adjuvant refers to a pesticide; and
 - (bb) the use of that adjuvant with that pesticide is not in accordance with the conditions of the approval given in relation to that pesticide;
 - (iv) for reasons of human safety or environmental protection; or
 - (v) at the request of the applicant;

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- (b) the Department shall, upon a decision to remove an adjuvant from the list specify in the list—
 - (i) that decision; and
 - (ii) the date on which, and any conditions in accordance with which, the removal is to take effect;
- (c) “relevant literature”, in relation to any adjuvant, means—
 - (i) the labelling of the packaging in which the adjuvant is contained;
 - (ii) any leaflet accompanying that package;
 - (iii) any other literature produced by, or on behalf of, the applicant describing the adjuvant.

(4) This paragraph shall not apply where the use of an adjuvant with an approved pesticide is for the purpose of research or development and is carried out under the direct control of the person intending to place the adjuvant on the market.

(5) In this paragraph “adjuvant” means a substance other than water, without significant pesticidal properties, which enhances or is intended to enhance the effectiveness of a pesticide when it has been added to that pesticide.

6.—(1) A person shall not combine or mix for use two or more pesticides which are anticholinesterase compounds unless such a mixture is expressly permitted by the conditions of the approval given in relation to at least one of those pesticides or by the labelling of the container in which at least one of those pesticides has been sold, supplied or otherwise marketed to that person.

- (2) A person shall not combine or mix for use two or more pesticides unless—
 - (a) all of the conditions of approval given in relation to each of those pesticides; and
 - (b) the labelling of the container in which each of those pesticides has been sold, supplied or otherwise marketed to that person,

can be complied with.

7.—(1) A person in the course of a commercial service shall not use a pesticide approved for agricultural use unless that person—

- (a) has obtained a certificate of competence recognised by the Department; or
- (b) uses that pesticide under the direct and personal supervision of a person who holds such a certificate; or
- (c) uses it in accordance with an approval, if any, for one or more of the following uses—
 - (i) home garden (amateur gardening);
 - (ii) animal husbandry;
 - (iii) food storage practice;
 - (iv) vertebrate control (including rodenticides and repellents);
 - (v) domestic use;
 - (vi) wood preservation;
 - (vii) as a surface biocide;
 - (viii) public hygiene or prevention of public nuisance;
 - (ix) other industrial biocides;
 - (x) as an anti-fouling product;
 - (xi) “other” (as may be defined by the Department).

- (2) In this paragraph “commercial service” means the application of a pesticide by a person—
- (a) to crops, land, produce, materials, buildings or the contents of buildings not in the ownership or occupation of that person or that person’s employer;
 - (b) to seed other than seed intended solely for use by that person or that person’s employer.
8. A person who was born later than 31st December 1964 shall not use a pesticide approved for agricultural use unless that person—
- (a) has obtained a certificate of competence recognised by the Department; or
 - (b) uses that pesticide under the direct and personal supervision of a person who holds such a certificate; or
 - (c) uses it in accordance with an approval, if any, for one of the uses specified in paragraph 7(1)(c).
9. In paragraphs 7 and 8 “pesticide approved for agricultural use” means a pesticide (other than a pesticide with methyl bromide or chloropicrin as one of its active ingredients) approved for one or more of the following uses—
- (a) agriculture and horticulture (including amenity horticulture);
 - (b) forestry;
 - (c) in or near any surface water, other than for amateur, public hygiene or anti-fouling uses;
 - (d) industrial herbicides, including week-killers for use on land not intended for the production of any crop.

SCHEDULE 4

Regulation 6(c)(ii)

Conditions Relating to Consent to the Use of Pesticides by Aerial Application

1. A person shall not undertake an aerial application of a pesticide unless—
- (a) an aerial application certificate granted under Article 42(2) of the Air Navigation Order 1985(1) is held by that person, that person’s employer or the main contractor undertaking the aerial application; and
 - (b) the pesticide to be used has been approved for the intended aerial application.
- 2.—(1) A person shall not undertake an aerial application of a pesticide unless that person, or a person specifically designated in writing on that person’s behalf, has—
- (a) not less than 72 hours before the commencement of the aerial application consulted the Department of the Environment for Northern Ireland with regard to any land which is subject to an order made under Article 16(1) of the Wildlife (Northern Ireland) Order 1985(2) or which is subject to a declaration made under Article 16(1), 18(1) or 24, or an order made under Article 20(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985(3), and which lies within 1,500 metres of any part of the land to which that pesticide is to be applied;
 - (b) not less than 72 hours before the commencement of the aerial application consulted the Department of the Environment for Northern Ireland if the land to which that pesticide is to be applied is adjacent to, or within 250 metres of, water;

(1) [S.I. 1985/1643](#)

(2) [S.I. 1985/171 \(N.I. 2\)](#)

(3) [S.I. 1985/170 \(N.I. 1\)](#) amended by [S.I. 1989/492 \(N.I. 3\)](#)

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- (c) obtained the consent of the Department of the Environment for Northern Ireland if that pesticide is to be applied for the purpose of controlling aquatic weeds or weeds on the banks of watercourses or lakes;
 - (d) not less than 24 hours and (so far as is practicable) not more than 48 hours before the commencement of the aerial application, given notice of the intended aerial application to the District Council of the district in which the intended aerial application is to take place;
 - (e) not less than 24 hours and (so far as is reasonably practicable) not more than 48 hours before the commencement of the aerial application given notice of the intended aerial application to the occupants or their agents of all property within 25 metres of the boundary of the land to which that pesticide is to be applied;
 - (f) not less than 24 hours and (so far as is practicable) not more than 48 hours before the commencement of the aerial application, given notice of the intended aerial application to the person in charge of any hospital, school or other institution any part of the curtilage of which lies within 150 metres of any flight path intended to be used for the aerial application; and
 - (g) not less than 48 hours before the commencement of the aerial application, given notice of the intended aerial application to the appropriate reporting point of the local beekeepers' spray warning scheme operating within the district in which the intended aerial application is to take place.
- (2) A notice of an intended aerial application given under paragraph (e) or (f) of sub-paragraph (1) shall be in writing and include details of—
- (a) the name and address, and telephone number (if any), of the person intended to carry out the aerial application;
 - (b) the name of the pesticide to be applied and its active ingredient and approval registration number;
 - (c) the intended time and date of application; and
 - (d) an indication that the same details have been given to the District Council of the district in which the intended aerial application is to take place.
3. A person shall not undertake an aerial application of a pesticide unless—
- (a) the wind velocity at the height of application at the place of intended aerial application does not exceed 10 knots, except where the approval given in relation to that pesticide permits aerial application when such wind velocity exceeds 10 knots;
 - (b) not less than 24 hours before the aerial application, that person has provided and put in place within 60 metres of the land to which that pesticide is to be applied signs, of adequate robustness and legibility, to warn pedestrians and drivers of vehicles of the time and place of the intended aerial application; and
 - (c) before the aerial application that person has provided ground markers in all circumstances where a ground marker will assist the pilot to comply with the provisions of paragraph 5.
4. Any person who undertakes the aerial application of a pesticide shall—
- (a) keep and retain for not less than 3 years after each application records of—
 - (i) the nature, place and date of that application;
 - (ii) the registration number of the aircraft used;
 - (iii) the name and permanent address of the pilot of that aircraft;
 - (iv) the name and quantity of the pesticide applied;
 - (v) the dilution and volume of application of the pesticide applied;

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- (vi) the type and specification of application system (which may include nozzle type and size);
 - (vii) the method of application;
 - (viii) the flight times of the aerial application;
 - (ix) the speed and direction of the wind during the application; and
 - (x) any unusual occurrences which affected the application;
- (b) provide the Department with summaries of the records required by sub-paragraph (a), in any manner which they may require under section 16(11) of the Food and Environment Protection Act 1985(4), within 30 days after the end of the calendar month to which those records relate.
5. The pilot of an aircraft engaged in an aerial application shall maintain the aircraft—
- (a) at a height of not less than 200 feet(5) from ground level when flying over an occupied building or its curtilage;
 - (b) at a horizontal distance from any occupied building and its curtilage, children's playground, sports ground or building containing livestock of—
 - (i) not less than 30 metres, if the pilot has the written consent of the occupier; and
 - (ii) not less than 60 metres, in any other case;
 - (c) at a height of not less than 250 feet from ground level over any motorway, or of not less than 100 feet from ground level over any other public highway, unless that motorway or public highway has been closed to traffic during the course of the application.
6. For the purposes of this Schedule—
- “curtilage”, in relation to any building, means the land attached to, and forming one enclosure with, that building;
- “ground marker” includes a person who is instructed by a person intending to carry out an aerial application to be present on or near to the land to which the pesticide is to be applied so that that person is able to communicate with the pilot of the aircraft engaged in the aerial application for the purpose of ensuring the safe application of that pesticide;
- “local beekeepers' spray warning scheme” means any scheme for the advance notification of the application of pesticides, organised by local beekeepers and notified to the Department;
- “water” means any surface water.”

(4) 1985 c. 48; sections 16 and 25(2)(b) were amended by the Pesticides (Fees and Enforcement) Act 1989 c. 27

(5) The metric equivalent of one foot is 0.3048 metres (Council Directive 89/617/EEC, O.J. No. L357, 7.12.89, p. 29)