
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 507

PESTICIDES

**Plant Protection Products (Amendment)
(No. 2) Regulations (Northern Ireland) 1997**

Made - - - - *21st November 1997*

Coming into operation *23rd December 1997*

The Department of Agriculture, being a Department 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, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Plant Protection Products (Amendment) (No. 2) Regulations (Northern Ireland) 1997 and shall come into operation on 23rd December 1997.

(2) The Interpretation Act (Northern Ireland) 1954⁽³⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Plant Protection Products Regulations (Northern Ireland) 1995

2. The Plant Protection Products Regulations (Northern Ireland) 1995⁽⁴⁾ shall be amended in accordance with regulations 3 to 5.

3. In regulation 2(1) (Interpretation), in the definition of “the Directive” after sub-paragraph (g) there shall be inserted the following sub-paragraphs—

“(h) Commission Directive [96/68/EC](#)⁽⁵⁾;

(i) Council Directive [97/57/EC](#)⁽⁶⁾.”.

4. At the end of paragraph 1 of Schedule 3 there shall be inserted the following paragraphs—

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

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

(3) [1954 c. 33 \(N.I.\)](#)

(4) [S.R. 1995 No. 371](#) as amended by [S.R. 1996 No. 456](#) and [S.R. 1997 No. 471](#)

(5) O.J. No. L277, 30.10.96, p. 25

(6) O.J. No. L265, 27.9.97, p. 87

1A. Notwithstanding paragraph 1 and subject to paragraphs 1B and 1C, regulations 1, 2 and 9 and (insofar as they relate to approvals granted under regulation 9) regulations 13(2) and (5) to (8), 14, 17 and 20 to 27 shall apply to a relevant plant protection product.

1B. Regulation 9 shall not apply to a relevant plant protection product to which any of the exemptions provided in regulation 3(2)(a) to (c) and (e) to (i) of the 1987 Regulations applies.

1C. Notwithstanding regulation 27(2), a pesticide approval in respect of a relevant plant protection product given in the form of an experimental permit under regulation 5(2)(a) of the 1987 Regulations which was in force on 23rd December 1997 shall continue to be subject to the 1987 Regulations and shall continue in force until the date of such expiry of approval or earlier revocation under those Regulations.”.

5. For paragraph 8 of Schedule 3 there shall be substituted the following paragraph—

“Interpretation

8. For the purposes of this Schedule—

“approved pesticide” means a pesticide which is the subject of a pesticide approval;

“pesticide approval” means approval of a pesticide given under regulation 5 of the 1987 Regulations;

“pesticide approval holder” means any person who holds a current pesticide approval;

“relevant active substance” means an active substance contained in a relevant plant protection product which is an approved pesticide;

“relevant plant protection product” means any plant protection product—

(a) which is a pesticide, or substance, preparation or organism prepared or used for any of the purposes mentioned in regulation 3(1)(b) of the 1987 Regulations; and

(b) at least one of whose active ingredients is an old active substance; and

“active ingredient”, “advertisement”, “organism”, “pesticide”, “preparation”, “sale”, “storage”, “substance”, “supply” and “use” have the same meanings as in the 1987 Regulations.”.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

21st November 1997.

Liam McKibben
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Plant Protection Products Regulations (Northern Ireland) 1995 ([S.R. 1995 No. 371](#)), as amended by [S.R. 1996 No. 456](#) and [S.R. 1997 No. 471](#) (“the principal Regulations”) which implement as respects Northern Ireland 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/EEC](#), Commission Directive [94/79/EC](#), Commission Directive [95/35/EC](#), Commission Directive [95/36/EC](#), Commission Directive [96/12/EC](#) and Commission Directive [96/46/EC](#) each of which amends Annexes II and III to the Directive.

The Regulations amend the definition of the Directive provided in the principal Regulations in consequence of Commission Directive [96/68/EC](#) which amends Annexes II and III to the Directive and Council Directive [97/57/EC](#) which establishes Annex VI to the Directive (regulation 3).

The Regulations also make certain modifications to the transitional provisions contained in Schedule 3.

First, the Regulations provide that regulation 9 of the principal Regulations (approvals for research and development) will apply to all relevant plant protection products (except those to which any of the exemptions provided in regulation 3(2)(a) to (c) and (e) to (i) of the Control of Pesticides Regulations (Northern Ireland) 1987 (“the 1987 Regulations”) applies). However approvals in respect of relevant plant protection products given in the form of an experimental permit under regulation 5(2)(a) of the 1987 Regulations which were in force on 23rd December 1997 will remain unaffected and will continue to be subject to the 1987 Regulations (regulation 4).

Secondly, the Regulations amend the definition of “relevant plant protection products” so that the expression now applies to those plant protection products containing at least one old active substance, as defined in the principal Regulations, which fall within the overall scope of the 1987 Regulations even if they are excluded from the 1987 Regulations by virtue of the exemptions provided in regulation 3(2) of those Regulations, removing a wider range of products from the scope of regulation 3(1) and (2) of the principal Regulations (regulation 5).