

**2001 No. 161****PESTICIDES****The Plant Protection Products Amendment (Scotland)  
Regulations 2001**

*Made* 20th April 2001

*Laid before the Scottish Parliament* 23rd April 2001

*Coming into force* 14th May 2001

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and, in respect of regulation 5 of the following Regulations, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(b), hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Plant Protection Products Amendment (Scotland) Regulations 2001 and shall come into force on 14th May 2001.

(2) These Regulations extend to Scotland only.

**Amendment of the Plant Protection Products Regulations 1995**

2. Regulation 2(1) (interpretation) of the Plant Protection Products Regulations 1995(c) shall be amended—

- (a) by substituting for the definition of “the Directive”—  
““the Directive” means Council Directive 91/414/EEC concerning the placing of plant protection products on the market(d), as amended by—
- (a) Commission Directive 93/71/EEC(e);
  - (b) Commission Directive 94/37/EC(f);
  - (c) Commission Directive 94/79/EC(g);
  - (d) Commission Directive 95/35/EC(h);
  - (e) Commission Directive 95/36/EC(i);

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) 1973 c.51. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions of the Minister transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. The requirement to obtain the consent of the Treasury was removed by section 55 of the Scotland Act 1998.

(c) S.I. 1995/887, amended by S.I. 1997/7, 2499 and 1999/3430 (1999/3430 is revoked by these Regulations).

(d) O.J. No. L 230, 19.8.91, p.1 (as read with Corrigenda published in O.J. No. L 170, 25.6.92, p.40).

(e) O.J. No. L 221, 31.8.93, p.27 (as read with Corrigenda published in O.J. No. L 4, 6.1.96, p.16).

(f) O.J. No. L 194, 29.7.94, p.65.

(g) O.J. No. L 354, 31.12.94, p.16 (as read with Corrigenda published in O.J. No. L 280, 23.11.95, p.58).

(h) O.J. No. L 172, 22.7.95, p.6.

(i) O.J. No. L 172, 22.7.95, p.8.

- (f) Commission Directive 96/12/EC(a);
  - (g) Commission Directive 96/46/EC(b);
  - (h) Commission Directive 96/68/EC(c);
  - (i) Council Directive 97/57/EC(d);
  - (j) Commission Directive 97/73/EC(e);
  - (k) Commission Directive 98/47/EC(f);
  - (l) Commission Directive 1999/1/EC(g);
  - (m) Commission Directive 1999/73/EC(h);
  - (n) Commission Directive 1999/80/EC(i);
  - (o) Commission Directive 2000/10/EC(j);
  - (p) Commission Directive 2000/49/EC(k) (as from 1st July 2001);
  - (q) Commission Directive 2000/50/EC(l);
  - (r) Commission Directive 2000/66/EC(m) (as from 1st August 2001);
  - (s) Commission Directive 2000/67/EC(n) (as from 1st August 2001); and
  - (t) Commission Directive 2000/68/EC(o) (as from 1st August 2001);”;
- (b) by substituting for the definition of “the Ministers”–  
 ““the Ministers” means the Scottish Ministers;  
 “the UK Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly;”.

**3.** After regulation 25 (service of documents) of the Plant Protection Products Regulations 1995 there shall be inserted–

“**25A**—(1) The Ministers may arrange with the agreement of the UK Ministers, for any of their functions under these Regulations to be exercised on their behalf by a Minister of the Crown.

(2) An arrangement under this regulation in respect of any function may include provisions for any fees payable under any enactment to any part of the Scottish Administration in respect of that function to be collected by a Minister of Crown or Government Department on behalf of that part of the Scottish Administration.

(3) An arrangement under this regulation shall be in writing and be signed by, or on behalf of, the Scottish Ministers and the UK Ministers and such an arrangement may be subject to such conditions (including conditions as to the costs and charge for costs) as may be agreed.”.

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(a) O.J. No. L 65, 15.3.96, p.20.  
 (b) O.J. No. L 214, 23.8.96, p.18.  
 (c) O.J. No. L 277, 30.10.96, p.25.  
 (d) O.J. No. L 265, 27.9.97, p.87.  
 (e) O.J. No. L 353, 24.12.97, p.26.  
 (f) O.J. No. L 191, 7.7.98, p.50.  
 (g) O.J. No. L 21, 28.1.99, p.21.  
 (h) O.J. No. L 206, 5.8.99, p.16.  
 (i) O.J. No. L 210, 10.8.99, 9.13.  
 (j) O.J. No. L 57, 2.3.00, p.28.  
 (k) O.J. No. L 197, 3.8.00, p.32.  
 (l) O.J. No. L 198, 4.8.00, p.39.  
 (m) O.J. No. L 276, 28.10.00, p.35.  
 (n) O.J. No. L 276, 28.10.00, p.38.  
 (o) O.J. No. L 276, 28.10.00, p.41.

**Revocation**

4. The Plant Protection Products (Amendment) (No. 2) Regulations 1999<sup>(a)</sup> are hereby revoked.

St Andrew's House,  
Edinburgh  
20th April 2001

*ROSS FINNIE*  
A member of the Scottish Executive

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<sup>(a)</sup> S.I. 1999/3430.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Plant Protection Products Regulations 1995 (S.I. 1995/887) (“the 1995 Regulations”) which implement Council Directive 91/414/EEC concerning the placing of plant protection products on the market (O.J. No. L 230, 19.8.91, p.1, as read with corrigenda published in O.J. No. L 170, 25.6.92, p.40).

The Regulations amend the definition of “the Directive” in the 1995 Regulations so as to implement—

- (a) Commission Directive 2000/10/EC (O.J. No. L 57, 2.3.00, p.28);
- (b) Commission Directive 2000/49/EC (O.J. No. L 197, 3.8.00, p.32) (as from 1st July 2001);
- (c) Commission Directive 2000/50/EC (O.J. No. L 198, 4.8.00, p.39);
- (d) Commission Directive 2000/66/EC (O.J. No. L 276, 28.10.00, p.35 (as from 1st August 2001);
- (e) Commission Directive 2000/67/EC (O.J. No. L 276, 28.10.00, p.38 (as from 1st August 2001); and
- (f) Commission Directive 2000/68/EC (O.J. No. L 276, 28.10.00, p.41 (as from 1st August 2001),

which add fluroxypyr, metsulfuron-methyl, prohexadione-calcium, triasulfuron, esfenvalerate and bentazone respectively to Annex I to the Directive (regulation 2).

The Regulations amend the 1995 Regulations to allow the Scottish Ministers to arrange with the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, for the discharge of any functions of the Scottish Ministers under the Regulations to be exercised on their behalf by a Minister of the Crown. Such an arrangement may include provision for any fees payable under any enactment to any part of the Scottish Administration in respect of that function to be collected by a Minister of the Crown or Government Department on behalf of that part of the Scottish Administration (regulation 2(b) and 3).

The Regulations revoke the Plant Protection Products (Amendment) (No. 2) Regulations 1999, which made amendments to the 1995 Regulations and the 1995 Fees Regulations which are consolidated in these Regulations (regulation 4).

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