

2001 No. 202

PESTICIDES

The Plant Protection Products Amendment (No. 2) (Scotland) Regulations 2001

<i>Made</i>	<i>31st May 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>6th June 2001</i>
<i>Coming into force</i>	<i>1st August 2001</i>

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 3 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 (No. 2) (Scotland) Regulations 2001 and shall come into force on 1st August 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 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);
- (f) Commission Directive 96/12/EC(j);

(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 (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 and 2499 and S.S.I. 2001/161.

(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.

(j) O.J. No. L 65, 15.3.96, p.20.

- (g) Commission Directive 96/46/EC(a);
- (h) Commission Directive 96/68/EC(b);
- (i) Council Directive 97/57/EC(c);
- (j) Commission Directive 97/73/EC(d);
- (k) Commission Directive 98/47/EC(e);
- (l) Commission Directive 1999/1/EC(f);
- (m) Commission Directive 1999/73/EC(g);
- (n) Commission Directive 1999/80/EC(h);
- (o) Commission Directive 2000/10/EC(i);
- (p) Commission Directive 2000/49/EC(j);
- (q) Commission Directive 2000/50/EC(k);
- (r) Commission Directive 2000/66/EC(l);
- (s) Commission Directive 2000/67/EC(m);
- (t) Commission Directive 2000/68/EC(n);
- (u) Commission Directive 2000/80/EC(o) (as from 1st July 2002);
- (v) Commission Directive 2001/21/EC(p) (as from 1st July 2002); and
- (w) Commission Directive 2001/28/EC(q);”.

Amendment of the Plant Protection Products (Fees) Regulations 1995

3. Regulation 2 of the Plant Protection (Fees) Regulations 1995(r) shall be amended by substituting for the definition of “principal Regulations”–

““principal Regulations” means the Plant Protection Products Regulations 1995 as amended by–

- (a) the Plant Protection Products (Amendment) Regulations 1997(s);
- (b) the Plant Protection Products (Amendment) (No. 2) Regulations 1997(t);
- (c) the Plant Protection Products Amendment (Scotland) Regulations 2001(u); and
- (d) the Plant Protection Products Amendment (No. 2) (Scotland) Regulations 2001;”.

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- (a) O.J. No. L 214, 23.8.96, p.18.
 - (b) O.J. No. L 277, 30.10.96, p.25.
 - (c) O.J. No. L 265, 27.9.97, p.87.
 - (d) O.J. No. L 353, 24.12.97, p.26.
 - (e) O.J. No. L 191, 7.7.98, p.50.
 - (f) O.J. No. L 21, 28.1.99, p.21.
 - (g) O.J. No. L 206, 5.8.99, p.16.
 - (h) O.J. No. L 210, 10.8.99, p.13.
 - (i) O.J. No. L 57, 2.3.00, p.28.
 - (j) O.J. No. L 197, 3.8.00, p.32.
 - (k) O.J. No. L 198, 4.8.00, p.39.
 - (l) O.J. No. L 276, 28.10.00, p.35.
 - (m) O.J. No. L 276, 28.10.00, p.38.
 - (n) O.J. No. L 276, 28.10.00, p.41.
 - (o) O.J. No. L 309, 9.12.00, p.14.
 - (p) O.J. No. L 69, 10.3.01, p.17.
 - (q) O.J. No. L 113, 24.4.01, p.5.
 - (r) S.I. 1995/888, amended by S.I. 1997/884.
 - (s) S.I. 1997/7.
 - (t) S.I. 1997/2499.
 - (u) S.S.I. 2001/161.

Revocation

4. Regulation 2(a) of the Plant Protection Products Amendment (Scotland) Regulations 2001(a) is hereby revoked.

St Andrew's House,
Edinburgh
31st May 2001

ROSS FINNIE
A member of the Scottish Executive

(a) S.S.I. 2001/161.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Plant Protection Products Regulations 1995 (“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 2000/80/EC (O.J. No. L 309, 9.12.00, p.14) (as from 1st July 2002);
 - (b) Commission Directive 2001/21/EC (O.J. No. L 69, 10.3.01, p.17) (as from 1st July 2002); and
 - (c) Commission Directive 2001/28/EC (O.J. No. L 113, 24.4.01, p.5),
- which add lambda-cyhalothrin, amitrole, diquat, pyridate, thiabendazote and fenhexamid to Annex I to the Directive (regulation 2).

The Regulations also make consequential amendments to the Plant Protection Products (Fees) Regulations 1995, as amended (regulation 3).

Finally, the Regulations revoke regulation 2(a) of the Plant Protection Products Amendment (Scotland) Regulations 2001, which amended the 1995 Regulations and which amendment is superseded by these Regulations (regulation 4).

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