

2005 No.66

PESTICIDES

The Possession of Pesticides (Scotland) Order 2005

Made - - - - - *10th February 2005*

Laid before the Scottish Parliament *11th February 2005*

Coming into force - - - *14th March 2005*

The Scottish Ministers, in exercise of the powers conferred by section 15A(3) of the Wildlife and Countryside Act 1981(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Possession of Pesticides (Scotland) Order 2005 and shall come into force on 14th March 2005.

(2) This Order extends to Scotland only.

Prescribed type of ingredient of a pesticide

2. An ingredient of a pesticide which is of a type specified in the Schedule to this Order is prescribed for the purposes of section 15A of the Wildlife and Countryside Act 1981 (possession of pesticides).

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

Pentland House,
Edinburgh
10th February 2005

(a) 1981 c.69. Section 15A was inserted by section 50 of, and paragraph 14 of Schedule 6 to, the Nature Conservation (Scotland) Act 2004 (asp 6).

SCHEDULE

Article 2

PRESCRIBED TYPE OF INGREDIENT OF A PESTICIDE

Aldicarb

Alphachloralose

Aluminium phosphide

Bendiocarb

Carbofuran

Mevinphos

Sodium cyanide

Strychnine.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Scotland only, prescribes types of ingredients of pesticides for the purposes of section 15A of the Wildlife and Countryside Act 1981 (“the 1981 Act”) (article 2 and the Schedule).

Section 15A(3) of the 1981 Act defines a prescribed active ingredient as an ingredient of a pesticide which fits it for use as such and which is of a type prescribed by order made by the Scottish Ministers.

Possession of any pesticide containing a prescribed active ingredient is an offence under section 15A(1) of the 1981 Act. A person guilty of an offence under section 15A(1) of the 1981 Act shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale (currently £5,000), or to both. Section 15A(2) of the 1981 Act provides a statutory defence to an offence under section 15A(1). A person shall not be guilty of an offence under section 15A(1) if that person can show that the possession of the pesticide was for the purposes of doing anything in accordance with any regulations made under section 16(2) of the Food and Environment Protection Act 1985 (c.48) or the Biocidal Products Regulations 2001 (S.I. 2001/880) or any regulations replacing those regulations.

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