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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 312**

**AGRICULTURE  
PESTICIDES**

**The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No.2) Regulations 2006**

*Made - - - - 7th June 2006*  
*Laid before the Scottish*  
*Parliament - - - - 8th June 2006*  
*Coming into force in accordance with regulation 1*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No.2) Regulations 2006 and, subject to paragraph (2), shall come into force on 27th July 2006.

(2) Regulation 4 shall come into force on 15th September 2006.

**Amendment of the Pesticides (Maximum Residue Levels in Crops , Food and Feeding Stuff) (Scotland) Regulations 2005**

2. Subject to regulation 1(2), the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2005<sup>(2)</sup> are amended in accordance with regulations 3 and 4.

**Amendments coming into force on 27th July 2006**

3.—(1) In regulation 2(1) (interpretation), for the definition of “the Residues Directives” substitute—

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(1) [1972 c. 68](#). Section 2(2) was amended by the Scotland [1998 \(c. 46\)](#), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) [S.S.I. 2005/599](#) as amended by [S.S.I. 2006/151](#).

““the Residues Directives ”means Directive 76/895(3), Directive 86/362(4), Directive 86/363(5) and Directive 90/642(6), in each case as amended at the date of the making of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No.2) Regulations 2006(7).”.

(2) In Schedule 2 (maximum residue levels), for the entries in the columns relating to the pesticides Carbofuran and Diquat substitute the entries in the columns relating to those pesticides set out in Schedule 1 to these Regulations.

(3) In Schedule 3, paragraph 4 (oil seeds), in column 2 beneath “Soya bean”insert “Hemp seed”.

#### **Amendments coming into force on 15th September 2006**

4.—(1) In Schedule 1 (pesticide residues)—

- (a) for the entry for Benomyl, Carbendazim and Thiophanate-methyl, substitute the entry for Benomyl and Carbendazim set out in Schedule 2 to these Regulations; and
- (b) after the entry for Thifensulfuron methyl insert the entry for Thiophanate-methyl set out in Schedule 2 to these Regulations.

(2) In Schedule 2 (maximum residue levels)—

- (a) for the column relating to Benomyl, Carbendazim and Thiophanate-methyl, substitute the column relating to Benomyl and Carbendazim set out in Schedule 1 to these Regulations;
- (b) insert, in the appropriate place to preserve the alphabetical ordering of the pesticide column headings, the column of permitted levels of residue for the pesticide Thiophanate-methyl set out in Schedule 1 to these Regulations; and
- (c) at the end, insert the footnote set out at the end of Schedule 1 to these Regulations.

(3) In Schedule 3, paragraph 2(iii)(a) (solanacea), in column 2 beneath “Aubergines”insert “Okra”.

St Andrew’s House,  
Edinburgh  
7th June 2006

*ROSS FINNIE*  
A member of the Scottish Executive

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(3) O.J. No. L 340, 9.12.1976, p.26, as last amended by Commission Directive [2005/70/EC](#) (O.J. No. L 276, 21.10.2005, p.35).  
(4) O.J. No. L 221, 7.8.1986, p.37, as last amended by Commission Directive [2006/30/EC](#) (O.J. No. L 75, 14.3.2006, p.7).  
(5) O.J. No. L 221, 7.8.1986, p.43, as last amended by Commission Directive [2006/30/EC](#) (O.J. No. L 75, 14.3.2006, p.7).  
(6) O.J. No. L 350, 14.12.1990, p.71, as last amended by Commission Directive [2006/30/EC](#) (O.J. No. L 75, 14.3.2006, p.7).  
(7) [S.S.I. 2006/312](#).

**SCHEDULE 1**

Regulations 3(2) and 4(2)

**ENTRIES AND COLUMNS SUBSTITUTED OR INSERTED IN SCHEDULE  
2 TO THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS,  
FOOD AND FEEDING STUFFS) (SCOTLAND) REGULATIONS 2005**

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Thiophanate-methyl	Diquat
<b>1. FRUIT, FRESH, DRIED OR UNCOOKED, PRESERVED BY FREEZING NOT CONTAINING ADDED SUGAR: NUTS</b>					
<b>(i) CITRUS FRUIT</b>					
	Grapefruit	0.1*	0.3	0.05*	0.1*
	Lemons	0.1*	0.3	0.05*	0.1*
	Limes	0.1*	0.3	0.05*	0.1*
	Mandarins (inc clementines & similar hybrids)	0.1*	0.3	0.05*	0.1*
	Oranges	0.1*	0.3	0.05*	0.1*
	Pomelos	0.1*	0.3	0.05*	0.1*
	Others	0.1*	0.3	0.05*	0.1*
<b>(ii) TREE NUTS (shelled or unshelled)</b>					
	Almonds	0.1*	0.02*	0.05*	0.2
	Brazil nuts	0.1*	0.02*	0.05*	0.2
	Cashew nuts	0.1*	0.02*	0.05*	0.2
	Chestnuts	0.1*	0.02*	0.05*	0.2
	Coconuts	0.1*	0.02*	0.05*	0.2
	Hazelnuts	0.1*	0.02*	0.05*	0.2

**(46) FOOTNOTES:**

The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.

*Status: This is the original version (as it was originally made).*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Thiophanate-methyl	Diquat
	Macadamia nuts	0.1*	0.02*	0.05*	0.2
	Pecans	0.1*	0.02*	0.05*	0.2
	Pine nuts	0.1*	0.02*	0.05*	0.2
	Pistachios	0.1*	0.02*	0.05*	0.2
	Walnuts	0.1*	0.02*	0.05*	0.2
	Others	0.1*	0.02*	0.05*	0.2
(iii) POME FRUIT					
	Apples	0.2	0.02*	0.05*	0.5
	Pears	0.2	0.02*	0.05*	0.5
	Quinces	0.2	0.02*	0.05*	0.5
	Others	0.2	0.02*	0.05*	0.5
(iv) STONE FRUIT					
	Apricots	0.2	0.02*	0.05*	2
	Cherries	0.5	0.02*	0.05*	0.3
	Peaches (inc nectarines & similar hybrids)	0.2	0.02*	0.05*	2
	Plums	0.5	0.02*	0.05*	0.3
	Others	0.1*	0.02*	0.05*	0.1*
(v) BERRIES AND SMALL FRUIT					
a)	Table & wine grapes				
	Table grapes	0.3	0.02*	0.05*	0.1*
	Wine grapes	0.5	0.02*	0.05*	3
b)	Strawberries (other than wild)	0.1*	0.02*	0.05*	0.1*
c)	Cane fruit (other than wild)				
	Blackberries	0.1*	0.02*	0.05*	0.1*

**(46) FOOTNOTES:**

The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Thiophanate-methyl	Diquat
	Dewberries	0.1*	0.02*	0.05*	0.1*
	Loganberries	0.1*	0.02*	0.05*	0.1*
	Raspberries	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
d)	other small fruit & berries (other than wild)				
	Bilberries	0.1*	0.02*	0.05*	0.1*
	Cranberries	0.1*	0.02*	0.05*	0.1*
	Currants (red, black & white)	0.1*	0.02*	0.05*	0.1*
	Gooseberries	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
e)	Wild berries & wild fruit	0.1*	0.02*	0.05*	0.1*
<b>(vi) MISCELLANEOUS FRUIT</b>					
	Avocados	0.1*	0.02*	0.05*	0.1*
	Bananas	0.1*	0.02*	0.05*	0.1*
	Dates	0.1*	0.02*	0.05*	0.1*
	Figs	0.1*	0.02*	0.05*	0.1*
	Kiwi fruit	0.1*	0.02*	0.05*	0.1*
	Kumquats	0.1*	0.02*	0.05*	0.1*
	Litchis	0.1*	0.02*	0.05*	0.1*
	Mangoes	0.1*	0.02*	0.05*	0.1*
	Olives (Table Consumption)	0.1*	0.02*	0.05*	0.1*
	Olives (Oil Extract)	0.1*	0.02*	0.05*	0.1*
	Papaya	0.1*	0.02*	0.05*	0.1*
	Passion fruit	0.1*	0.02*	0.05*	0.1*
	Pineapples	0.1*	0.02*	0.05*	0.1*
	Pomegranates	0.1*	0.02*	0.05*	0.1*

**(46) FOOTNOTES:**

The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.

*Status: This is the original version (as it was originally made).*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Thiophanate-methyl	Diquat
	Others	0.1*	0.02*	0.05*	0.1*

**2.  
VEGETABLES,  
FRESH OR  
UNCOOKED,  
FROZEN OR  
DRY**

**(i) ROOT AND TUBER VEGETABLES**

Beetroot	0.1*	0.02*	0.05*	0.1*
Carrots	0.1*	0.02*	0.05*	0.1*
Cassava	0.1*	0.02*	0.05*	0.1*
Celeriac	0.1*	0.02*	0.05*	0.1*
Horseradish	0.1*	0.02*	0.05*	0.1*
Jerusalem artichokes	0.1*	0.02*	0.05*	0.1*
Parsnips	0.1*	0.02*	0.05*	0.1*
Parsley root	0.1*	0.02*	0.05*	0.1*
Radishes	0.1*	0.02*	0.05*	0.1*
Salsify	0.1*	0.02*	0.05*	0.1*
Sweet potatoes	0.1*	0.02*	0.05*	0.1*
Swedes	0.1*	0.02*	0.05*	0.1*
Turnips	0.1*	0.02*	0.05*	0.1*
Yams	0.1*	0.02*	0.05*	0.1*
Others	0.1*	0.02*	0.05*	0.1*

**(ii) BULB VEGETABLES**

Garlic	0.1*	0.02*	0.05*	0.1*
Onions	0.1*	0.02*	0.05*	0.1*
Shallots	0.1*	0.02*	0.05*	0.1*
Spring onions	0.1*	0.02*	0.05*	0.1*
Others	0.1*	0.02*	0.05*	0.1*

**(iii) FRUITING VEGETABLES**

a) Solanacea

**(46) FOOTNOTES:**

The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Thiophanate-methyl	Diquat
	Tomatoes	0.5	0.02*	0.05*	2
	Peppers	0.1*	0.02*	0.05*	0.1*
	Chilli peppers	0.1*	0.02*	0.05*	0.1*
	Aubergines	0.5	0.02*	0.05*	2
	Okra	2	0.02*	0.05*	1
	Others	0.1*	0.02*	0.05*	0.1*
b)	Cucurbits-edible peel				
	Cucumbers	0.1*	0.02*	0.05*	0.1*
	Gherkins	0.1*	0.02*	0.05*	0.1*
	Courgettes	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
c)	Cucurbits-inedible peel				
	Melons	0.1*	0.02*	0.05*	0.3
	Squashes	0.1*	0.02*	0.05*	0.3
	Watermelons	0.1*	0.02*	0.05*	0.3
	Others	0.1*	0.02*	0.05*	0.3
d)	Sweet corn	0.1*	0.02*	0.05*	0.1*
<b>(iv) BRASSICA VEGETABLES</b>					
a)	Flowering Brassicas				
	Broccoli	0.1*	0.02*	0.05*	0.1*
	Cauliflower	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
b)	Head Brassicas				
	Brussels sprouts	0.5	0.02*	0.05*	1
	Head cabbage	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*

**(46) FOOTNOTES:**

The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.

*Status: This is the original version (as it was originally made).*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Thiophanate-methyl	Diquat
c)	Leafy Brassicas				
	Chinese cabbage	0.1*	0.02*	0.05*	0.1*
	Kale	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
d)	Kohlrabi	0.1*	0.02*	0.05*	0.1*
<b>(v) LEAF VEGETABLES AND FRESH HERBS</b>					
a)	Lettuce & similar				
	Cress	0.1*	0.02*	0.05*	0.1*
	Lamb's lettuce	0.1*	0.02*	0.05*	0.1*
	Lettuce	0.1*	0.02*	0.05*	0.1*
	Scarole	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
b)	Spinach & similar				
	Spinach	0.1*	0.02*	0.05*	0.1*
	Beet leaves (chard)	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
c)	Watercress	0.1*	0.02*	0.05*	0.1*
d)	Witloof	0.1*	0.02*	0.05*	0.1*
e)	Herbs				
	Chervil	0.1*	0.02*	0.05*	0.1*
	Chives	0.1*	0.02*	0.05*	0.1*
	Parsley	0.1*	0.02*	0.05*	0.1*
	Celery leaves	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
<b>(vi) LEGUME VEGETABLES (fresh)</b>					
	Beans (with pods)	0.2	0.02*	0.05*	0.1*

**(46) FOOTNOTES:**

The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.



Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Thiophanate-methyl	Diquat
	Beans (without pods)	0.1*	0.02*	0.05*	0.1*
	Peas (with pods)	0.2	0.02*	0.05*	0.1*
	Peas (without pods)	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
<b>(vii) STEM VEGETABLES</b>					
	Asparagus	0.1*	0.02*	0.05*	0.1*
	Cardoons	0.1*	0.02*	0.05*	0.1*
	Celery	0.1*	0.02*	0.05*	0.1*
	Fennel	0.1*	0.02*	0.05*	0.1*
	Globe artichokes	0.1*	0.02*	0.05*	0.1*
	Leeks	0.1*	0.02*	0.05*	0.1*
	Rhubarb	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
<b>(viii) FUNGI</b>					
	Cultivated mushrooms	0.1*	0.02*	0.05*	0.1*
	Wild mushrooms	0.1*	0.02*	0.05*	0.1*
<b>3. PULSES</b>					
	Beans	0.1*	0.02*	0.2	0.1*
	Lentils	0.1*	0.02*	0.2	0.1*
	Peas	0.1*	0.02*	0.2	0.1*
	Others	0.1*	0.02*	0.2	0.1*
<b>4. OILSEEDS</b>					
	Linseed	0.1*	0.1	5	0.1*
	Peanuts	0.1*	0.1	0.1*	0.1*
	Poppy seed	0.1*	0.1	0.1*	0.1*
	Sesame seed	0.1*	0.1	0.1*	0.1*

**(46) FOOTNOTES:**

The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.

*Status: This is the original version (as it was originally made).*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Thiophanate-methyl	Diquat
	Sunflower seed (with shell)	0.1*	0.1	1	0.1*
	Rape seed	0.1*	0.1	2	0.1*
	Soya bean	0.2	0.1	0.2	0.3
	Mustard seed	0.1*	0.1	0.5	0.1*
	Cotton seed	0.1*	0.1	0.1*	0.1*
	Hemp seed	0.1*	0.1	0.5	0.1*
	Others	0.1*	0.1	0.1*	0.1*
<b>5. POTATOES</b>					
	Early potatoes	0.1*	0.02*	0.05*	0.1*
	Ware potatoes	0.1*	0.02*	0.05*	0.1*
<b>6. TEA</b>					
	Tea (black tea, processed from the leaves of <i>Camellia sinensis</i> )	0.1*	0.05*	0.1*	0.1*
<b>7. HOPS (dried)</b>					
	Hops (dried (including hop pellets & unconcentrated powder))	0.1*	0.05*	0.1*	0.1*
<b>8. CEREALS</b>					
	Wheat	0.1	0.02*	0.05*	0.05
	Rye	0.1	0.02*	0.05*	0.05
	Barley	2	0.02*	10	0.3
	Sorghum	0.01*	0.02*	0.05*	0.01*
	Oats	2	0.02*	2	0.3
	Triticale	0.1	0.02*	0.05*	0.05
	Maize	0.01*	0.02*	1	0.01*

**(46) FOOTNOTES:**

The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Thiophanate-methyl	Diquat
	Buckwheat	0.01*	0.02*	0.05*	0.01*
	Millet	0.01*	0.02*	1	0.01*
	Rice	0.01*	0.02*	0.05*	0.01*
	Others	0.01*	0.02*	0.05*	0.01*

**9.  
PRODUCTS  
OF ANIMAL  
ORIGIN**

Meat, fat & preparations of meat	0.05 <sup>*(46)</sup>	0.1*	0.05*	0.05 <sup>*(46)</sup>
Milk	0.05 <sup>*(46)</sup>	0.1*	0.05*	0.05 <sup>*(46)</sup>
Dairy produce	0.05 <sup>*(46)</sup>	0.1*	0.05*	0.05 <sup>*(46)</sup>
Eggs	0.05 <sup>*(46)</sup>	0.1*	0.05*	0.05 <sup>*(46)</sup>

**10.  
SPICES**

Cumin seed  
Juniper seed  
Nutmeg  
Pepper, black and white  
Vanilla pods  
Spices – others

**(46) FOOTNOTES:**

The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.

**UNITS:**

Maximum residue levels (MRLs) are expressed in milligrammes of residue per kilogramme of food.

**KEY:**

\* Level at or about the limit of determination.

**Status:** This is the original version (as it was originally made).

## SCHEDULE 2

Regulation 4(1)

## ENTRIES SUBSTITUTED IN SCHEDULE 1 TO THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (SCOTLAND) REGULATIONS 2005

Column 1 <i>Pesticide</i>	Column 2 <i>Residue</i>
Benomyl and Carbendazim	<p>(1) for products of plant origin other than cereals: sum of benomyl and carbendazim, expressed as carbendazim</p> <p>(2) for cereals: benomyl and carbendazim, expressed as carbendazim</p> <p>(3) for foodstuffs of animal origin: for carbendazim only: carbendazim and thiophanate-methyl, expressed as carbendazim</p>
Thiophanate-methyl	<p>(1) for products of plant origin: thiophanate-methyl</p> <p>(2) for foodstuffs of animal origin: carbendazim and thiophanate-methyl, expressed as carbendazim</p>

**EXPLANATORY NOTE**

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

These Regulations, which are made under section 2(2) of the European Communities Act 1972, amend the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2005 ([S.S.I. 2005/599](#)) (“the Principal Regulations”).

These Regulations implement Commission Directives [2006/4/EC](#) (O.J. No. L 23, 27.1.2006, p.69), [2006/9/EC](#) (O.J. No. L 22, 26.1.2006, p.24) and [2006/30/EC](#) (O.J. No. L 75, 14.3.2006, p.7).

Regulations 1 to 3 come into force on 27th July 2006. Regulation 3 makes amendments to the Principal Regulations which—

- (a) update the definition of “the Residues Directives” in regulation 2;
- (b) substitute certain new maximum residue levels for residues of the pesticides Carbofuran and Diquat in Schedule 2; and
- (c) add the product “hemp seed” to the “oil seeds” group of products in Schedule 3, which sets out what parts of products are to be tested for residues.

Regulation 4 comes into force on 15th September 2006. In respect of the Principal Regulations it amends—

- (a) Schedule 1, which identifies the substances residues of which are taken into account in the measuring of residue levels for each pesticide, by substituting the entry for the pesticide

group Benomyl, Carbendazim and Thiophanate-methyl with an entry for Benomyl and Carbendazim and in setting an entry for Thiophanate-methyl;

- (b) Schedule 2, by substituting new maximum residue levels for residues of Benomyl and Carbendazim and inserting new maximum residue levels for residues of Thiophanate-methyl; and
- (c) Schedule 3, by adding the product “okra” to the “fruiting vegetables” group of products.

A Regulatory Impact Assessment (“RIA”) was prepared in respect of the Principal Regulations which provides a basis for establishing the impact of amendments to those Regulations. Copies of the RIA can be obtained from the Scottish Executive Environment and Rural Affairs Department, EPHAS2, Area 1-B, Pentland House, 47 Robb’s Loan, Edinburgh, EH014TY. Copies have been placed in the Scottish Parliament Information Centre.