
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019

PART 3

Transferred functions from [Directive 2009/128/EC](#) of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides

Power to update references to Annexes to [Directive 2009/128/EC](#) in light of scientific and technical progress

23.—(1) The appropriate authority may, by regulations, make provision for a reference to a relevant Annex to [Directive 2009/128/EC](#) of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides in any enactment to be read as a reference to that Annex as modified by the regulations.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers that it is appropriate to do so as a result of scientific and technical progress.

(3) The appropriate authority may, by regulations, amend any enactment which makes provision corresponding to that made by a relevant Annex to [Directive 2009/128/EC](#) for the purposes of ensuring that the provision made by the enactment continues to correspond to that made by the Annex as modified by regulations made under paragraph (1).

(4) The relevant Annexes to [Directive 2009/128/EC](#) are—

- (a) Annex 1 (training subjects referred to in Article 5 of [Directive 2009/128/EC](#));
- (b) Annex 2 (health and safety and environmental requirements relating to the inspection of pesticide application equipment);
- (c) Annex 3 (general principles of integrated pest management);
- (d) Annex 4 (harmonised risk indicators).

(5) In this regulation, “the appropriate authority” means—

- (a) for regulations applying in relation to England, the Secretary of State;
- (b) for regulations applying in relation to Wales, the Welsh Ministers;
- (c) for regulations applying in relation to Scotland, the Scottish Ministers;
- (d) for regulations applying in relation to Northern Ireland, the Department.

(6) But the appropriate authority is the Secretary of State if consent is given by—

- (a) for regulations applying in relation to Wales, the Welsh Ministers;
- (b) for regulations applying in relation to Scotland, the Scottish Ministers;
- (c) for regulations applying in relation to Northern Ireland, the Department.

(7) In this regulation, “the Department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

Regulations

24.—(1) Regulations made by the Secretary of State or Welsh Ministers under regulation 23 are to be made by statutory instrument.

(2) For regulations made under regulation 23 by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

(3) Any power to make regulations conferred on the Department under regulation 23 is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(4) A statutory instrument containing regulations made by the Secretary of State under regulation 23 is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) A statutory instrument containing regulations made by the Welsh Ministers under regulation 23 is subject to annulment in pursuance of a resolution the National Assembly for Wales.

(6) Regulations made by the Scottish Ministers under regulation 23 are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

(7) Regulations made by the Department under regulation 23 are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) Act 1954.

(8) Such regulations may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.

(9) In this regulation, “the Department” has the meaning given in regulation 23(7).