



# Pesticides (Fees and Enforcement) Act 1989

**1989 CHAPTER 27**

## **1 Payments for general purposes of Part III of Food and Environment Protection Act 1985**

- (1) The following section shall be substituted for section 18 of the Food and Environment Protection Act 1985 ("the 1985 Act")—

### **"18 Payments for general purposes of Part III**

- (1) Either of the Ministers may require an applicant for the approval of a pesticide under this Part of this Act, on making his application, to pay a fee as a contribution to the cost of handling and evaluating it.

- (2) Either of the Ministers may require payments by such persons as he considers appropriate in respect—

- (a) of the balance of the cost of handling and evaluating applications for approval;
- (b) of the collection of information under section 16(11) above and the processing of information supplied under that subsection; and
- (c) of monitoring the effect of the use of pesticides in the United Kingdom.

- (3) Amounts to be paid under this section shall be determined on principles settled by the Ministers with the consent of the Treasury and after consultation with organisations appearing to the Ministers to represent persons who are likely to apply for approvals.

- (4) Without prejudice to the generality of subsection (3) above, the Ministers may settle that any such amount is to be calculated by reference to either or both of the following—

- (a) the United Kingdom turnover during a specified period of a pesticide to which an approval relates; or

- (b) the United Kingdom turnover during a specified period of all pesticides to which approvals held by the person who is to make the payment relate.
  - (5) Any such amount may be calculated in such manner as the Minister to whom it is to be paid considers reasonable—
    - (a) if insufficient evidence of turnover is submitted for the calculations that would be required under subsection (4) above; or
    - (b) if no evidence is submitted for those calculations.
  - (6) Either of the Ministers may permit payment by instalments, and arrange for the refund, adjustment, set-off, waiver or reduction of the whole or part of a payment, in such cases as he may determine.
  - (7) If an amount payable by any person in respect of an approval is unpaid, the Ministers may suspend the approval, until that amount is paid, to such extent as they consider appropriate and, without prejudice to the generality of this subsection, to the extent that it authorises him to sell the pesticide.
  - (8) All payments under this section are payments for the general purposes of this Part of this Act and may be used accordingly.”
- (2) The following subsection shall be inserted after section 16(13) of the 1985 Act—
- “(13A) If either of the Ministers does anything by virtue of this Part of this Act in consequence of a failure on the part of any person to comply with regulations, he may recover from that person expenses reasonably incurred by him in doing it.”
- (3) In section 25(2)(b)—
  - (a) “, 16(13A)” shall be inserted after “and (l),”; and
  - (b) “18(3)” shall be omitted.
- (4) There shall be paid into the Consolidated Fund any increase attributable to this section in the sums falling to be paid into that Fund under section 23(3) of the 1985 Act.