
STATUTORY INSTRUMENTS

1997 No. 2499

PESTICIDES

**The Plant Protection Products
(Amendment) (No. 2) Regulations 1997**

<i>Made</i>	- - - -	<i>13th October 1997</i>
<i>Laid before Parliament</i>		<i>22nd October 1997</i>
<i>Coming into force</i>		
<i>All regulations except for regulation 3(b)</i>		<i>13th November 1997</i>
<i>Regulation 3(b)</i>		<i>30th November 1997</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, acting jointly in exercise of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Plant Protection Products (Amendment) (No. 2) Regulations 1997 and shall come into force—

(a) as respects all regulations except for regulation 3(b) on 13th November 1997;

(b) as respects regulation 3(b) on 30th November 1997.

(2) In these Regulations “the principal Regulations” means the Plant Protection Products Regulations 1995⁽³⁾.

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 5 of these Regulations and any reference in those provisions to any specified provision shall, unless the context requires otherwise, be taken to be a reference to the provision so specified of the principal Regulations.

3. In regulation 2(1), in the definition of “the Directive”—

(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1995/887, amended by S.I. 1996/1940 and 1997/7.

- (a) after sub-paragraph (g) there shall be inserted the following sub-paragraph—
“**(h)** Council Directive [97/57/EC\(4\)](#),”
- (b) after sub-paragraph (h) there shall be inserted the following sub-paragraph—
“**(i)** Commission Directive [96/68/EC\(5\)](#).”
4. At the end of paragraph 1 of Schedule 3 there shall be inserted the following paragraphs—
- “**1A.** Notwithstanding paragraph 1 above, and subject to paragraphs 1B and 1C below, regulations 1, 2 and 9 and (insofar as they relate to approvals granted under regulation 9) regulations 13(2) and (5) to (8), 14, 17 and 20 to 27 shall apply to a relevant plant protection product.
- “**1B.** Regulation 9 shall not apply to a relevant plant protection product to which any of the exemptions provided in regulation 3(2)(a) to (c) and (e) to (i) of the 1986 Regulations applies.
- “**1C.** Notwithstanding regulation 27(2), a pesticide approval in respect of a relevant plant protection product given in the form of an experimental permit under regulation 5(a) of the 1986 Regulations which was in force on 13th November 1997 shall continue to be subject to the 1986 Regulations and shall continue in force until the date of expiry of such approval or earlier revocation under those Regulations.”
5. For paragraph 8 of Schedule 3 there shall be substituted the following paragraph—

“Interpretation

8. For the purposes of this Schedule—
- “approved pesticide” means a pesticide which is the subject of a pesticide approval;
- “pesticide approval” means approval of a pesticide given under regulation 5 of the 1986 Regulations;
- “pesticide approval holder” means any person who holds a current pesticide approval;
- “relevant active substance” means an active substance contained in a relevant plant protection product which is an approved pesticide;
- “relevant plant protection product” means any plant protection product—
- (a) which is a pesticide, or substance, preparation or organism prepared or used for any of the purposes mentioned in regulation 3(1)(b) of the 1986 Regulations, and
- (b) at least one of whose active ingredients is an old active substance; and
- “active ingredient”, “advertisement”, “organism”, “pesticide”, “preparation”, “sale”, “storage”, “substance”, “supply” and “use” have the same meanings as in the 1986 Regulations.”

13th October 1997

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

(4) OJ No. L265, 27.9.97, p. 87.
(5) OJ No. L277, 30.10.96, p. 25.

13th October 1997

Sewel
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Plant Protection Products Regulations 1995 (S.I.1995/887), as amended (S.I. 1996/1940 and 1997/7), (“the principal Regulations”) which implement in Great Britain Council Directive 91/414/EEC concerning the placing of plant protection products on the market (“the Directive”), as amended by Commission Directive 93/71/EEC, Commission Directive 94/37/EC, Commission Directive 94/79/EC, Commission Directive 95/35/EC, Commission Directive 95/36/EC, Commission Directive 96/12/EC and Commission Directive 96/46/EC each of which amends Annexes II and III to the Directive.

The Regulations amend the definition of the Directive provided in the principal Regulations in consequence of Council Directive 97/57/EC (OJ No. L265, 27.9.97, p. 87), which establishes Annex VI to the Directive, (regulation 3(a)) and Commission Directive 96/68/EC (OJ No. L277, 30.10.96, p. 25), which amends Annexes II and III to the Directive (regulation 3(b)).

The Regulations also make certain modifications to the transitional provisions contained in Schedule 3.

First, the Regulations provide that regulation 9 of the principal Regulations (approvals for research and development) will apply to all relevant plant protection products (except those to which any of the exemptions provided in regulation 3(2)(a) to (c) and (e) to (i) of the Control of Pesticides Regulations 1986 (“the 1986 Regulations”) applies). However approvals in respect of relevant plant protection products given in the form of an experimental permit under regulation 5(a) of the 1986 Regulations which were in force on 13th November 1997 will remain unaffected and will continue to be subject to the 1986 Regulations (regulation 4).

Secondly, the Regulations amend the definition of “relevant plant protection products” so that the expression now applies to those plant protection products containing at least one old active substance, as defined in the principal Regulations, which fall within the overall scope of the 1986 Regulations even if they are excluded from the 1986 Regulations by virtue of the exemptions provided in regulation 3(2) of those Regulations, removing a wider range of products from the scope of regulation 3(1) and (2) of the principal Regulations (regulation 5).

A regulatory appraisal has been prepared and a copy has been placed in the library of each House of Parliament. Copies of the regulatory appraisal can be obtained from the Pesticides Safety Directorate of the Ministry of Agriculture, Fisheries and Food, Room 308, Mallard House, Kings Pool, 3 Peasholme Green, York YO1 2PX.