
STATUTORY INSTRUMENTS

1998 No. 2024

The Fertilisers (Amendment) Regulations 1998

Title, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Fertilisers (Amendment) Regulations 1998 and shall come into force on the following dates—

- (a) all provisions except regulation 7(b) and Schedule 2, on 16th September 1998, and
- (b) regulation 7(b) and Schedule 2 on 1st January 1999.

(2) In these Regulations “the principal Regulations” means the Fertilisers Regulations 1991(1).

Amendment of the principal Regulations

2. Subject to regulation 8 below, the principal Regulations are hereby further amended in accordance with regulations 3 to 7 below.

3. In regulation 1 (title, commencement and interpretation), paragraphs (2) and (3) shall be deleted.

4. After regulation 1 (title, commencement and interpretation) there shall be inserted the following regulation:

“Control of materials designated as EEC fertilisers

1A.—(1) No person shall—

- (a) designate as an EEC fertiliser any material intended for use as a fertiliser, or give any indication, directly or indirectly, that it is an EEC fertiliser, or
- (b) sell or have in possession with a view to sale, for use as a fertiliser, any material so designated, or in respect of which any such indication is given,

unless any packaging, label or accompanying document by means of which the designation was effected or, as the case may be, the indication was given, was used before 1st January 1999.

(2) In relation to any material intended for use as a fertiliser, no designation of it as an EC fertiliser, or indication that it is such a fertiliser, shall, if permitted by regulation 2, be treated, for the purposes of paragraph (1) above, as any type of indication that the material is an EEC fertiliser.

(3) In paragraph (1) of this regulation, expressions also used in Article 2 of Directive [97/63/EC](#) of the European Parliament and of the Council amending Directives [76/116/EEC](#), [80/876/EEC](#), [89/284/EEC](#) and [89/530/EEC](#) on the approximation of the laws of the Member States relating to fertilisers(2) shall be construed in accordance with that Article.”

(1) S.I.1991/2197, amended by S.I. 1995/16 and S.I. 1997/1543.

(2) OJNo. L335, 6.12.97, p.15.

5. For each of the expressions listed in the first column of Part I of Schedule 1 to these Regulations, wherever the expression concerned appears in the principal Regulations there shall be substituted the expression listed opposite to that expression in the second column of that Part.

6. For each of the expressions listed in the first column of Part II of Schedule 1 to these Regulations, wherever the expression concerned appears in the principal Regulations, there shall be substituted the expression listed opposite to that expression in the second column of that Part.

7. In the table in Schedule 1 (prescribed descriptions of material, meanings of names, particulars and information to be contained in the statutory statement and limits of variation)—

- (a) for the expression “EEC fertiliser”, wherever it appears as a heading in Groups 1 to 3 of Section B (compound fertilisers) and Group 2 of Section C (fluid fertilisers), there shall be substituted the heading “EC fertiliser”; and
- (b) in Group 1(a) of Section C (fluid fertilisers), after the provisions relating to the material Magnesium nitrate solution, there shall be inserted in columns (2) to (5) the contents of Schedule 2 to these Regulations.

Transitional provision

8. The amendments to the principal Regulations made by regulations 5 and 7(a) above shall not affect any material designated as an EEC fertiliser, or in respect of which any indication is given, directly or indirectly, that it is an EEC fertiliser, and which is—

- (a) sold, offered for sale or held in possession with a view to sale, for use as a fertiliser, or
- (b) made available to any other person for the final use by that other person as a fertiliser,

(as the case may be)—

- (i) before 1st January 1999, or
- (ii) on or after that date, where any packaging, label or accompanying document by means of which the designation was effected or, as the case may be, the indication was given, was used before that date,

and, in relation to any such material, the principal Regulations shall continue to apply, as if those amendments had not been made.

10th August 1998

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

5th August 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

13th August 1998

Peter Hain
Parliamentary Under Secretary of State, Welsh
Office