
STATUTORY INSTRUMENTS

2012 No. 1657

**The Plant Protection Products
(Sustainable Use) Regulations 2012**

Interpretation

2.—(1) In these Regulations—

“aerial spraying” means the application of plant protection products from an aircraft (plane or helicopter) and “aerial spray” shall be construed accordingly;

“aerial spraying permit” means a permit issued by the appropriate United Kingdom competent authority authorising aerial spraying;

“agriculture” includes—

- (a) the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not);
- (b) dairy-farming;
- (c) the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds; and
- (d) the preparation and maintenance of land for any such uses;

and “agricultural” shall be construed accordingly;

“the appropriate United Kingdom competent authority” means—

- (a) in relation to England and Wales, the Secretary of State;
- (b) in relation to Scotland, the Scottish Ministers; and
- (c) in relation to Northern Ireland, the Department;

“authorised person” means a person authorised in accordance with regulation 20(1);

“the Department” means the Department of Agriculture and Rural Development in Northern Ireland;

“Directive 1999/45/EC” means Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations⁽¹⁾;

“the Directive” means 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, of which Annexes I to IV are as amended from time to time;

“distributor” means any person who makes a plant protection product available on the market, including wholesalers, retailers, vendors and suppliers;

(1) OJ No L200, 30.7.1999, p 1.

“environment” means waters (including groundwaters, surface water, transitional waters, coastal waters and marine waters), sediment, soil, air, land, flora and fauna (indigenous or not), and any interrelationship between them, and any relationship with other living organisms;

“groundwater” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;

“inspected” means inspected under a system implemented by a body designated pursuant to Article 8(6);

“Ministers” means the Secretary of State, the Scottish Ministers or the Welsh Ministers;

“plant protection product” has the same meaning as in Article 2(1) of Regulation 1107/2009(2);

“plant protection product application equipment” means any apparatus specifically designed for the application of plant protection products, including accessories that are essential for the effective operation of such equipment, such as nozzles, manometers, filters, strainers and cleaning devices for tanks;

“premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft, hovercraft or marine structure; and
- (b) any tent or moveable structure;

“professional user” means any person who uses plant protection products in the course of their work activities, including operators, technicians, employers and self-employed people, both in the farming and other sectors and “professional use” shall be construed accordingly;

“Regulation 1107/2009” means Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC(3) and 91/414/EEC(4);

“specified certificate” means—

- (a) a certificate of competence relating to plant protection products recognised by Ministers having been published in a list by Ministers before 18th July 2012, for the purposes of paragraph 4 or 5 of Schedule 2, or paragraphs 7 or 8 of Schedule 3, to the Control of Pesticides Regulations 1986(5);
- (b) a certificate of competence relating to plant protection products recognised by the Department, having been published in a list by the Department before 18th July 2012 for the purposes of paragraph 4 or 5 of Schedule 2, or paragraphs 7 or 8 of Schedule 3, to the Control of Pesticides Regulations (Northern Ireland) 1987(6);
- (c) a certificate of competence recognised by Ministers having been published in a list by Ministers before 18th July 2012, for the purposes of paragraph 3 or 4 of Schedule 2, or paragraph 7 or 8 of Schedule 3, to the Plant Protection Product (Basic Conditions) Regulations 1997(7);
- (d) a certificate of competence recognised by the Department, having been published in a list by the Department before 18th July 2012, for the purposes of paragraph 3 or 4 of Schedule 2, or paragraph 7 or 8 of Schedule 3, to the Plant Protection Product (Basic Conditions) Regulations (Northern Ireland) 1997(8);
- (e) a certificate that was deemed to be a “specified certificate” pursuant to regulation 31(3) and is included in a list referred to in regulation 5(11); or

(2) OJ No L309, 24.11.2009, p1.

(3) OJ No L33, 8.2.1979, p36.

(4) OJ No L230, 19.8.1991, p1.

(5) S.I. 1986/1510 amended by S.I. 1997/188.

(6) S.R.(NI) 1987 No 414 amended by S.R.(NI) 1997 No 469.

(7) S.I. 1997/189 amended by S.I. 2011/2131.

(8) S.R (NI) 1997 No 470.

- (f) a certificate issued by a body that has been designated pursuant to regulation 5(2) and is included in a list referred to in regulation 5(11);

“surface water” means—

- (a) inland waters, except groundwater;
- (b) transitional waters; and
- (c) coastal waters;

“transitional waters” means bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows;

“under supervision” means under the direct and personal supervision, and in the presence, of a person who holds a specified certificate, where such supervision is being provided for the purposes of training.

(2) For the purposes of regulations 8, 9(7), 10(4)(b) and 31(1) and (2) “authorised” means authorised in accordance with Regulation 1107/2009.

(3) In these Regulations any reference to an Article by number alone is to be construed as a reference to the Article so numbered in the Directive.

(4) Expressions in the Directive shall have the same meaning in these Regulations as they have in the Directive except where a definition in this regulation ascribes a different meaning.