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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 142**

**AGRICULTURE  
PESTICIDES**

**The Pesticides (Maximum Residue Levels in Crops, Food  
and Feeding Stuffs) (Scotland) Amendment Regulations 2007**

*Made - - - - 1st March 2007*  
*Laid before the Scottish*  
*Parliament - - - - 5th March 2007*  
*Coming into force in accordance with regulation 1(3)*  
*to (5)*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, interpretation and commencement**

1.—(1) These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment Regulations 2007.

(2) In these Regulations, “the principal Regulations” means the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Regulations 2005<sup>(2)</sup>.

(3) Subject to paragraphs (4) and (5), these Regulations shall come into force on 31st March 2007.

(4) Regulation 4 shall come into force on 11th May 2007.

(5) Regulation 5 shall come into force on 21st January 2008.

**Commencement Information**

**II** Reg. 1 in force at 31.3.2007, see [reg. 1\(3\)](#)

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) S.S.I. 2005/599 as amended by S.S.I. 2006/151, S.S.I. 2006/312 and S.S.I. 2006/548.

*Status: Point in time view as at 31/03/2007. This version of this*

*Instrument contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2007. (See end of Document for details)*

## Amendment of the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 5.

### Commencement Information

**I2** Reg. 2 in force at 31.3.2007, see [reg. 1\(3\)](#)

## Amendments coming into force on 31st March 2007

3.—(1) In regulation 2(1) (interpretation), for the definition of “the Residues Directives” substitute—

““the Residues Directives” means Directive 76/895(3), Directive 86/362(4), Directive 86/363(5) and Directive 90/642(6).”.

(2) In Schedule 2 (maximum residue levels), in the column relating to the pesticide Atrazine, for the entries for all products (Wheat, Rye, Barley, Sorghum, Oats, Triticale, Maize, Buckwheat, Millet, Rice, and Other Cereals), in the food group 8 (Cereals), substitute “0.1”.

### Commencement Information

**I3** Reg. 3 in force at 31.3.2007, see [reg. 1\(3\)](#)

VALID FROM 11/05/2007

## Amendments coming into force on 11th May 2007

4. Schedules 1 (pesticide residues) and 2 (maximum residue levels) of the principal Regulations are amended as follows—

- (a) in Schedule 1, in the appropriate place in the alphabetical sequence, insert the entry for the pesticide Captan set out in Schedule 1 to these Regulations; and
- (b) in Schedule 2—
  - (i) for the entries in the columns relating to the pesticides Dichlorvos, Ethion and Folpet, substitute the entries in the columns relating to those pesticides set out in Schedule 2 to these Regulations;
  - (ii) in the appropriate place in the alphabetical sequence, insert the entries in the column relating to the pesticide Captan set out in Schedule 2 to these Regulations; and
  - (iii) at the end, insert as footnote 48, the footnote numbered (48) set out at the end of Schedule 2 to these Regulations.

### Commencement Information

**I4** Reg. 4 in force at 11.5.2007, see [reg. 1\(4\)](#)

(3) O.J. No. L 340, 9.12.76, p.26, as last amended by Commission Directive 2006/92/EC (O.J. No. L 311, 10.11.06, p.31).

(4) O.J. No. L 221, 7.8.86, p.37, as last amended by Commission Directive 2006/92/EC (O.J. No. L 311, 10.11.06, p.31).

(5) O.J. No. L 221, 7.8.86, p.43, as last amended by Commission Directive 2006/62/EC (O.J. No. L 206, 27.07.06, p.27).

(6) O.J. No. L 350, 14.12.90, p.71, as last amended by Commission Directive 2006/92/EC (O.J. No. L 311, 10.11.06, p.31).

PROSPECTIVE

### Amendments coming into force on 21st January 2008

5. Schedules 1 (pesticide residues) and 2 (maximum residue levels) of the principal Regulations are amended as follows—

- (a) in Schedule 1, in the appropriate place in the alphabetical sequence, [<sup>F1</sup>insert the entry for the pesticide Desmedipham] set out in Schedule 1 to these Regulations; and
- (b) in Schedule 2—
  - (i) for the entries in the column relating to the pesticide Chlorfenvinphos substitute the entries in the column relating to that pesticide set out in Schedule 2 to these Regulations; and
  - (ii) in the appropriate place in the alphabetical sequence, [<sup>F2</sup>insert the entries in the column relating to the pesticide Desmedipham] set out in Schedule 2 to these Regulations.

**F1** Words in [reg. 5\(a\)](#) substituted (16.8.2007) by [The Pesticides \(Maximum Residue Levels in Crops, Food and Feeding Stuff\) \(Scotland\) Amendment \(No. 2\) Regulations 2007 \(revoked\) 2007 \(S.S.I. 2007/306\)](#), [regs. 1\(3\)](#), [7\(a\)](#)

**F2** Words in [reg. 5\(b\)\(ii\)](#) substituted (16.8.2007) by [The Pesticides \(Maximum Residue Levels in Crops, Food and Feeding Stuff\) \(Scotland\) Amendment \(No. 2\) Regulations 2007 \(revoked\) 2007 \(S.S.I. 2007/306\)](#), [regs. 1\(3\)](#), [7\(b\)](#)

#### Commencement Information

**I5** Reg. 5 in force at 21.1.2008, see [reg. 1\(5\)](#)

St Andrew's House,  
Edinburgh

ROSS FINNIE  
A member of the Scottish Executive

**Status:** Point in time view as at 31/03/2007. This version of this Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment Regulations 2007. (See end of Document for details)

VALID FROM 11/05/2007

SCHEDULE 1

Regulations 4 and 5

ENTRIES INSERTED IN SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

**Commencement Information**

- I6** Sch. 1 in force at 11.5.2007 for specified purposes, see [reg. 1\(4\)](#)
- I7** Sch. 1 in force at 21.1.2008 in so far as not already in force, see [reg. 1\(5\)](#)

<i>Column 1</i> <i>Pesticide</i>	<i>Column 2</i> <i>Residue</i>
Captan	captan
Desmedipham	desmedipham
Phenmedipham	(1) for products of plant origin: phenmedipham  (2) for foodstuffs of animal origin: phenmedipham (Methyl-N-(3-hydroxyphenyl) carbamate (MHPC) expressed as phenmedipham)

SCHEDULE 2

Regulations 3, 4 and 5

ENTRIES SUBSTITUTED OR INSERTED IN SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

**Commencement Information**

- I8** Sch. 2 in force at 11.5.2007 for specified purposes, see [reg. 1\(4\)](#)
- I9** Sch. 2 in force at 21.1.2008 in so far as not already in force, see [reg. 1\(5\)](#)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which are made under section 2(2) of the European Communities Act 1972, amend the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2005 (“the principal Regulations”).

These Regulations implement Commission Directives [2006/62/EC](#) (O.J. No. L 206, 27.07.06, p.27) and [2006/92/EC](#) (O.J. No. L 311, 10.11.06, p.31) and implement in part Commission Directive [2007/7/EC](#) (O.J. No. L43, 15.02.07, p.19).

The Regulations come into force, in stages, on 31st March 2007, 11th May 2007 and 21st January 2008.

The Regulations substitute or insert—

- (a) new residue definitions for the pesticides Captan, Desmedipham and Phenmedipham in Schedule 1 to the principal Regulations which identifies the pesticide residues that are taken into account in the measuring of residue levels for each pesticide; and
- (b) new maximum residue levels for the pesticides Atrazine, Captan, Chlorfenvinphos, Desmedipham, Dichlorvos, Ethion, Folpet and Phenmedipham in Schedule 2 to the principal Regulations.

A Regulatory Impact Assessment (“RIA”) was prepared in respect of the principal Regulations which provides a basis for establishing the impact of amendments to those Regulations. Copies of the RIA can be obtained from the Scottish Executive Environment and Rural Affairs Department, EPHAS2, Area 1-B, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY. Copies have been placed in the Scottish Parliament Information Centre.

**Status:**

Point in time view as at 31/03/2007. This version of this Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2007.