

2007 No. 410

PESTICIDES

**The Plant Protection Products (Scotland) Amendment (No. 2)
Regulations 2007**

<i>Made</i> - - - -	<i>4th September 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>5th September 2007</i>
<i>Coming into force</i> - -	<i>27th September 2007</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(a) and all other powers enabling them to do so.

The Regulations make provision for a purpose mentioned in that section and it appears to the Scottish Ministers that it is expedient for the references to Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market(b) to be construed as references to that Annex as amended from time to time.

Citation and commencement

1. These Regulations may be cited as the Plant Protection Products (Scotland) Amendment (No. 2) Regulations 2007 and come into force on 27th September 2007.

Amendment of the Plant Protection Products (Scotland) Regulations 2005

2. The Plant Protection Products (Scotland) Regulations 2005(c) are amended in accordance with regulations 3 and 4.

Amendment of regulation 2 (interpretation)

3. In regulation 2 (interpretation)–

(a) in paragraph (1), for the definition of “the Directive”, substitute–

““the Directive” means Council Directive 91/414/EEC(d) concerning the placing of plant protection products on the market;”;

(a) 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. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

(b) O.J. No. L 230, 19.8.1991, p.1. The last amending instrument as at the date of these Regulations is Commission Directive 2007/52/EC, O.J. No. L 214, 17.8.2007, p.3.

(c) S.S.I. 2005/331.

(d) O.J. No. L 230, 19.8.1991, p.1 (as last amended by Commission Directive 2007/52/EC, O.J. No. L 214, 17.8.2007, p.3).

(b) for paragraph (2)(b), substitute—

“any reference to a numbered Annex shall be construed as a reference to the Annex so numbered of the Directive and in particular any reference to Annex I shall be construed as a reference to Annex I, as amended from time to time.”.

Revocation of Schedule 1 (instruments amending Council Directive 91/414/EEC)

4. Schedule 1 is revoked.

Revocation of the Plant Protection Products (Scotland) Amendment Regulations 2007

5. The Plant Protection Products (Scotland) Amendment Regulations 2007(a) are revoked.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew's House,
Edinburgh
4th September 2007

(a) S.S.I. 2007/119.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Plant Protection Products (Scotland) Regulations 2005 (“the principal Regulations”) which implement in Scotland Council Directive 91/414/EEC concerning the placing of plant protection products on the market (“the Directive”).

A new definition for Annex I of the Directive is substituted to the effect that references to that Annex are references to it as amended from time to time (regulation 3). Schedule 1 to the principal Regulations is revoked (regulation 4). Regulation 5 revokes the Plant Protection Products (Scotland) Amendment Regulations 2007, the main purpose of which was to amend the definition of “the Directive” in the principal Regulations so as to implement specified Commission Directives.

A full regulatory impact assessment has not been produced for this instrument because it has no impact on the costs of business.

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£3.00

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