



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 3

WILDLIFE ETC.

Pesticides harmful to wildlife

43 Possession of pesticides harmful to wildlife

- (1) A person is guilty of an offence if he has in his possession a pesticide containing an ingredient that is prescribed for the purposes of this section by an order made by the Secretary of State.
- (2) The Secretary of State may not make an order under subsection (1) unless he is satisfied that it is necessary or expedient to do so in the interests of protecting wild birds or wild animals from harm.
- (3) It is a defence for a person charged with an offence under this section to prove that his possession of the pesticide was for the purposes of doing anything in accordance with—
 - (a) provision made by or under the Poisons Act 1972 (c. 66);
 - (b) regulations made under section 16(2) of the Food and Environment Protection Act 1985 (c. 48);
 - (c) the Biocidal Products Regulations 2001 (S.I. 2001/880) or any regulations replacing those regulations;
 - (d) the Plant Protection Products Regulations 2005 (S.I. 2005/1435) or any regulations replacing those regulations.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale (or both).

Status: This is the original version (as it was originally enacted).

- (5) The court by which a person is convicted of an offence under this section may order the forfeiture of the pesticide in respect of which the offence was committed.
- (6) The power to make an order under subsection (1) is exercisable by statutory instrument.
- (7) A statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) The Secretary of State must take such steps as are reasonably practicable to bring information about the effect of an order under subsection (1) to the attention of persons likely to be affected by the order.
- (9) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (4) to 51 weeks is to be read as a reference to 6 months.