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## EXPLANATORY NOTE

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

These Regulations amend the Control of Pesticides Regulations 1986 (S.I.1986/1510), as amended (S.I. 1990/2487 and 1994/3142) (“the principal Regulations”). The principal Regulations have been made for the purpose of controlling pesticides in implementation of Part III of the Food and Environment Protection Act 1985 and require the advertisement, sale, supply, storage and use in Great Britain of any pesticide product falling within the scope of the principal Regulations to be carried out in accordance with an approval granted by the Minister of Agriculture, Fisheries and Food and the Secretary of State (“the Ministers”) in relation to that product and in accordance with consents made by the Ministers (“the consents”). The principal amendments are given below.

The Regulations—

- (a) clarify the scope of products to which the principal Regulations apply by expressly providing that—
  - (i) they apply to products (that is, substances, preparations or organisms) prepared or used for controlling harmful or unwanted effects on sewage treatment works;
  - (ii) they apply to products applied in the treatment of seed, compost or any other growing medium;
  - (iii) the exemption for products used in paint applies only to products used for the sole purpose of preserving the paint;
  - (iv) the exemption for products used in water supply systems applies to products used in water-based cooling or heating systems and humidifying systems; and
- (b) exclude from the scope of products to which the principal Regulations apply—
  - (i) products whose sale or use within the United Kingdom is controlled by the Water Supply (Water Quality) Regulations 1989 or the Water Supply (Water Quality) (Scotland) Regulations 1990;
  - (ii) plant protection products the placing on the market and use of which are subject to the prohibitions specified in regulation 3(1) of the Plant Protection Products Regulations 1995 or which are approved under regulation 9 of those Regulations;
  - (iii) products designed and used for destroying or controlling pests by purely physical means  
(regulation 4).

The Regulations clarify the powers available to each of the Ministers in the event of a breach of the principal Regulations (including breaches of an approval or the consents) to seize or dispose of pesticides or anything treated with a pesticide, require their seizure or disposal, require the taking of remedial action (which can where necessary include recovery of a pesticide from the market) and require the re-exportation of pesticides imported in contravention of any such breach (regulation 7).

The Regulations amend regulation 8 of the principal Regulations, which provides a right of access to information (study reports and evaluations) concerning approvals, qualified by a prohibition on making commercial use, by—

- (a) clarifying its scope expressly to include study reports supplied to the Ministers, and evaluations carried out for them, in connection with a review of the continuance of an approval;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (b) clarifying its scope expressly to allow access to information at any time from the granting or amendment of an approval and not only at that time;
- (c) providing a definition of commercial use;
- (d) expressly making regulation 8 subject to the Environmental Information Regulations 1992 and Article 14 of Council Directive [91/414/EEC](#) concerning the placing of plant protection products on the market

(regulation 8).

The Regulations remove the requirement for the consents, and conditions to which they are subject, to be published in the London and Edinburgh Gazettes (regulation 6). The Schedules to the Regulations specify the conditions to which the consents, once made by the Ministers, are automatically subject. The Schedules amend and replace the existing published consents. The principal amendments are as follows:

- (a) the conditions relating to the advertisement of pesticides (Schedule 1) have been simplified and their scope extended expressly to include advertisement by electronic means;
- (b) the conditions relating to the sale, supply and storage of pesticides (Schedule 2) have been amended by extension of the exemption from the requirement to hold a certificate of competence (applicable generally to pesticides approved for agricultural use) to pesticides containing chloropicrin and by provision of specific definitions of water;
- (c) the conditions relating to the use of pesticides (Schedule 3) have been amended by—
  - (i) extension of the training and competence requirements to persons giving instruction on the use of pesticides;
  - (ii) extension of the requirement that persons using pesticides confine their application to the area intended to be treated (which formerly was relevant only to pesticides applied by aerial application) to pesticides applied by any method;
  - (iii) development of the controls concerning the use of pesticides with adjuvants by, in particular, expressly enabling the Ministers to set and amend conditions for the inclusion of adjuvants in, and to remove adjuvants from, the published list and exempting from those controls adjuvants used with approved pesticides for the purpose of research or development where use is carried out under the direct control of the person intending to place the adjuvant on the market;
  - (iv) extension of the exemption from the requirement for those using pesticides in the course of a commercial service or those using pesticides who were born later than 31 December 1964 to hold a certificate of competence (applicable generally to pesticides approved for agricultural use) to pesticides containing chloropicrin;
  - (v) provision of specific definitions of water;
- (d) the conditions relating to the use of pesticides by aerial application (Schedule 4) have been amended in minor respects, for example by updating references to some of the public bodies, by metrication of the horizontal distances and by provision of a specific definition of water.

These Regulations were notified in draft to the European Commission in accordance with Council Directive [83/189/EEC](#) laying down a procedure for the provision of information in the field of technical standards and regulations (O.J. No. L109, 26.4.83, p. 8), as amended.

A compliance cost assessment has been prepared and a copy has been placed in the library of each House of Parliament. Copies of the compliance cost assessment can be obtained from the Pesticides Safety Directorate of the Ministry of Agriculture, Fisheries and Food, Room 308, Mallard House, Kings Pool, 3 Peasholme Green, York YO1 2PX.