
STATUTORY INSTRUMENTS

1997 No. 188

The Control of Pesticides (Amendment) Regulations 1997

Amendment of the principal Regulations

4. For regulation 3 there shall be substituted the following regulation—

“Scope

3.—(1) Subject to the following provisions of this regulation, these Regulations apply to—

- (a) any pesticide; or
- (b) any substance, preparation or organism prepared or used for any of the following purposes—
 - (i) protecting plants or wood or other plant products from harmful organisms;
 - (ii) regulating the growth of plants;
 - (iii) giving protection against harmful creatures;
 - (iv) rendering such creatures harmless;
 - (v) controlling organisms with harmful or unwanted effects on water systems (including sewage treatment works), buildings or other structures, or on manufactured products;
 - (vi) protecting animals against ectoparasites;as if it were a pesticide.

(2) These Regulations do not apply to—

- (a) organisms, other than bacteria, protozoa, fungi, viruses and mycoplasmas, used for destroying or controlling pests;
- (b) substances, preparations or organisms whose use or sale within the United Kingdom is controlled under any of the following enactments—
 - (i) the Medicines Act 1968⁽¹⁾;
 - (ii) Part IV of the Agriculture Act 1970⁽²⁾;
 - (iii) the Food Safety Act 1990⁽³⁾;
 - (iv) the Cosmetic Products (Safety) Regulations 1984⁽⁴⁾;
 - (v) the Water Supply (Water Quality) Regulations 1989⁽⁵⁾;
 - (vi) the Water Supply (Water Quality) (Scotland) Regulations 1990⁽⁶⁾,

(1) 1968 c. 67.

(2) 1970 c. 40.

(3) 1990 c. 16.

(4) S.I.1984/1260.

(5) S.I. 1989/1147, amended by S.I. 1989/1384 and 1991/1837.

(6) S.I. 1990/119 (s.11).

when those substances, preparations or organisms are used or sold for the purpose over which control under that enactment is exercised;

- (c) substances, preparations or organisms controlled by the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994(7);
- (d) any plant protection product the placing on the market and use of which are subject to the prohibitions specified in regulation 3(1) and (2) of the Plant Protection Products Regulations 1995(8) or which is approved under regulation 9 of those Regulations(9);
- (e) substances, preparations or organisms prepared or used for the purpose of disinfecting, bleaching or sterilising any substance (including water), other than soils, compost or other growing medium;
- (f) substances, preparations or organisms used in laboratories for the purpose of the micropropagation of plants or substances, preparations or organisms used in the production of novel food;
- (g) substances, preparations or organisms designed and used for—
 - (i) the stimulation of the growth of plants, excluding materials which act as plant growth hormones, or which mimic the action of such materials;
 - (ii) the modification of micro-biological processes in soil, excluding soil sterilants;
 - (iii) assistance in the anaerobic fermentation of silage;
- (h) substances, preparations or organisms designed and used for destroying or controlling pests by purely physical means;
- (i) pesticides—
 - (i) used in adhesive pastes, decorative paper or textiles;
 - (ii) intended solely for exportation from the United Kingdom;
 - (iii) applied externally or by impregnation as part of a manufacturing process, other than—
 - (aa) in the preservation of timber or timber products, the production of food or the treatment of seed, compost or any other growing medium, or
 - (bb) for the purpose of preventing the fouling of the hulls of vessels or structures below the waterline, or
 - (cc) for the treatment of nets, floats or other apparatus to be used in the cultivation of fish;

(7) S.I. 1994/3142.

(8) S.I. 1995/887, amended by S.I. 1996/1940, which implements in Great Britain Council Directive 91/414/EEC concerning the placing of plant protection products on the market (O.J. No. L230, 19.8.1991, p. 1). In principle the prohibitions specified in regulation 3(1) and (2) (which provide that no person may place on the market and use any plant protection product within Great Britain unless that product has been approved under those Regulations) apply to all plant protection products but Schedule 3 to those Regulations contains transitional provisions whereby plant protection products containing active substances which were on the market of the member States of the European Community and other States of the European Economic Area on or before the dates specified in the definition of “old active substance” in regulation 2(1) of those Regulations do not become subject to the prohibitions specified in regulation 3(1) and (2) until it has been decided, under Article 6 of the Directive, whether the active substances concerned should, or should not, be included in Annex I to the Directive.

(9) Regulation 9 prohibits the carrying out of any experiment or test for research or development purposes involving the release into the environment of a plant protection product which has not been approved under the Plant Protection Products Regulations unless an approval for trial purposes has been granted by the Ministers under that regulation; under regulation 3(4) a plant protection product which is so approved is exempted from the prohibitions specified in regulation 3(1) and (2).

- (iv) used in preparations intended for topical application to human beings for the purpose of repelling insects;
- (v) used in metal working fluids;
- (vi) used in paint for the sole purpose of preserving the paint;
- (vii) used in water-based cooling or heating systems, humidifying systems or swimming pools.

(3) In this regulation—

- “disinfecting” means destroying micro-organisms other than bacterial spores;
- “metal working fluid” means any fluid used to facilitate the cutting, drilling, forming or machining of metal;
- “micropropagation” means the growth of plantlets from tissue culture or small parts of a plant in culture solution and under conditions which are sterile apart from the presence of the plant;
- “mycoplasma” means a genus of organisms which have a unit membrane without a rigid cell wall and are highly pleomorphic, having no independent form or spore stage in the life cycle;
- “novel food” has the same meaning as in section 18(3) of the Food Safety Act 1990;
- “paint” includes surface coatings;
- “pest” has the meaning assigned to it in section 16(15) of the 1985 Act;
- “placing on the market” and “plant protection product” have the same meanings as in the Plant Protection Products Regulations 1995;
- “preparation” means a mixture or solution composed of two or more substances;
- “soil sterilant” means a product used for sterilising soil or compost;
- “sterilising” means destroying all micro-organisms including any bacterial spores.”.