

**2001 No. 3898**

**PESTICIDES  
FEES AND CHARGES**

**The Plant Protection Products (Payments)  
Regulations 2001**

*Made - - - - - 4th December 2001*

*Laid before Parliament 10th December 2001*

*Coming into force - - 1st January 2002*

The Secretary of State for Environment, Food and Rural Affairs being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on her by that section and of all other powers enabling her in that behalf, hereby makes the following Regulations:

**Title, commencement, extent and interpretation**

**1.—(1)** These Regulations may be cited as the Plant Protection Products (Payments) Regulations 2001, come into force on 1st January 2002 and extend to the United Kingdom.

(2) In these Regulations—

“controlled pesticide” means any product which has, or is intended to have, an approval under the Control of Pesticides Regulations 1986(c) or the Control of Pesticides Regulations (Northern Ireland) 1987(d);

“plant protection product” means any product approved, or intended to be approved, under the Plant Protection Regulations 1995(e) or the Plant Protection Products Regulations (Northern Ireland) 1995(f);

“the Act” means the Food and Environment Protection Act 1985(g);

“the Directive” means the Council Directive 91/414/EEC concerning the placing of plant protection products on the market, amended as at the date of the making of these Regulations(h).

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(a) S.I. 1972/1811.

(b) 1972 c. 68. This power is being exercised by the Secretary of State as regards Scotland by virtue of section 57(1) of the Scotland Act 1998 (which entitles a Minister of the Crown to exercise functions for the purposes of Community obligations as regards Scotland, despite transfer to the Scottish Ministers under section 53 of that Act in relation to which see S.I. 1999/1512 and S.S.I 2001/161).

(c) S.I. 1986/1510 as amended by S.I. 1997/188.

(d) S.R. 1987 No. 414 as amended by S.R. 1991 No. 203 and 1997 No. 469.

(e) S.I. 1995/887 as last amended in relation to England and Wales by S.I. 2001/3814 and in relation to Scotland by S.S.I. 2001/161 and 202.

(f) S.R. 1995 No. 371 amended by S.R. 1997 Nos. 471 and 507 and S.R. 2001 No. 280.

(g) 1985 c. 48.

(h) OJ No. L230, 19.8.91, p.1, as last amended by Commission Directive 2001/87/EC (OJ No. L276, 19.10.2001, p.17).

## **Modification of previous enactment**

2.—(1) Section 18 of the Act (payments for general purposes of Part III of the Act) shall be modified so as to apply separately in relation to plant protection products and controlled pesticides in accordance with the following provisions of this regulation.

(2) Subsection (1) and (2) (a) shall not apply in relation to plant protection products.

(3) Subsection (2) (other than paragraph (a)) shall apply so as to authorise payments to be required—

(a) in relation to plant protection products on the basis of—

- (i) information collected under section 16(11) of the Act in relation to such products; and
- (ii) monitoring their effect and use; and

(b) in relation to controlled pesticides, on the basis of—

- (i) information collected under section 16(11) of the Act in relation to such pesticides; and
- (ii) monitoring their effect and use.

(4) In deciding—

- (a) the persons from whom payments may be required under subsection (2), and
- (b) the principles and factors to apply under subsections (3) and (4),

in relation to plant protection products, the person making the decision shall ensure that payment of any amount is not required from a person not involved in production or sale of such products or from whom it would be inconsistent with implementation of the Directive to require it.

(5) The factors which may be applied under subsection (4) are—

- (a) in relation to any plant protection product, the turnover of that product or all plant protection products, and
- (b) in relation to any controlled pesticides, the turnover of that pesticide or of all such pesticides.

(6) The powers under subsections (5) to (7) shall not be exercised in relation to any plant protection product in a manner which is inconsistent with implementation of the Directive, but any sum due in pursuance of these Regulations in relation to such a product but unpaid shall be payable on demand.

(7) Subsection (8) shall not apply to payments relating to plant production products.

## **Amendment of the Plant Protection Products (Fees) Regulations 2001**

3.—(1) In the Plant Protection Products (Fees) Regulations 2001(a)—

- (a) in regulation 2(1) for the words “to the Secretary of State in accordance with this regulation” there shall be substituted the words “in accordance with this regulation to the relevant authority, that is to say, the authority in Great Britain to which the application is submitted”; and
- (b) in regulation 2(1)(b), 2(2), 2(3) and 2(6) for the words “Secretary of State” (wherever they appear) there shall be substituted the words “relevant authority”.

4th December 2001

*Whitty*  
Parliamentary Under-Secretary,  
Department for Environment, Food and Rural Affairs

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(a) S.I. 2001/2477.

## **EXPLANATORY NOTE**

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

These Regulations modify section 18 of the Food and Environment Protection Act 1985, which provides for payments for the purposes of Part III of that Act (pesticides), so as to distinguish payment in relation to plant protection products (those where approval is derived from the Plant Protection Products Regulations 1995 and so from Council Directive 91/414/EEC concerning the placing of plant protection products on the market) from those relating to other pesticides (regulation 2).

They also amend the Plant Protection Products (Fees) Regulations 2001 by replacing the expression “Secretary of State” by one capable of extending to devolved authorities (regulation 3).

These Regulations extend to the United Kingdom.

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