
STATUTORY INSTRUMENTS

2005 No. 3286

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 2005

Prohibition on putting into circulation products with excess residues

3.—(1) No person shall put into circulation a product named in Schedule 2 if it contains a quantity of pesticide residue, per kilogram of the product, greater than that specified in that Schedule in respect of that product and the pesticide in question, for the period (if any) specified.

(2) Subject to paragraph (3), paragraph (1) shall also apply in relation to the putting into circulation of—

- (a) any product which after drying or processing is obtained from any of the products named in Schedule 2, and
- (b) any composite food which includes any of the products named in that Schedule,

as it applies to the products so named.

(3) Where—

- (a) paragraph (1) applies in relation to a dried or processed product or a composite food by virtue of paragraph (2), and
- (b) in relation to that dried or processed product or composite food no quantity has been specified in Schedule 2 as the maximum residue level in respect of a pesticide residue which may be contained in that dried or processed product or composite food,

paragraph (1) applies as if the maximum residue level in respect of that pesticide residue were the quantity applicable under that Schedule as it has effect by virtue of regulation 5(c) or, as the case may be, (d).

(4) Any person who, without reasonable excuse, contravenes or causes or permits any other person to contravene the prohibition in paragraph (1) shall be guilty of an offence, and shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment, to a fine.

(5) In any proceedings for an offence under this regulation in relation to any product, whether or not dried or processed or a composite food, it is a defence for the person charged to prove that when the product was put into circulation—

- (a) it was so put with the intention of its being exported to a country which is not an EEA State and the contravention of the prohibition in paragraph (1) was caused by the product being treated in a manner—
 - (i) required by the country of destination in order to prevent the introduction of harmful organisms into its territory; or
 - (ii) necessary to protect the product from harmful organisms during transport to the country of destination and storage there; or
- (b) it was so put with the intention that—

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- (i) it be used in the manufacture of things other than foodstuffs and animal feed; or
- (ii) it be used for sowing or planting.

(6) Sections 19 (enforcement powers), 21(5) (offences—penalties etc) and 22 (general defence of due diligence) of, and Schedule 2 (officers and their powers) to, the Food and Environment Protection Act 1985 shall apply for the purposes of this regulation as they apply for the purposes of that Act, taking references in those sections to that Act or any part of it to be references to this regulation, and the general purposes of that Act to include the purposes of this regulation.