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SCOTTISH STATUTORY INSTRUMENTS

2005 No. 281

AGRICULTURE
PESTICIDES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2005

Made - - - -	*25th May 2005*
Laid before the Scottish Parliament - - - -	*26th May 2005*
Coming into force - -	*23rd June 2005*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2005 and shall come into force on 23rd June 2005.

Commencement Information

I1 Reg. 1 in force at 23.6.2005, see **reg. 1**

Amendment to the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Regulations 2000

2.—(1) The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Regulations 2000(**2**) are amended in accordance with this regulation.

(**1**) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**2**) S.S.I. 2000/22 amended by S.S.I. 2001/84, 221 and 435, 2002/271 and 489, 2003/118 and 445, 2004/104, 220 and 399 and 2005/109.

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(2) In Schedule 1(**3**), for the entries in column 1 for the pesticides Metalaxyl and Metalaxyl-M, together with the corresponding entries in column 2, substitute the following entries:–

Column 1 *Pesticide*	*Column 2* *Residues*
Metalaxyl	(1) for products of plant origin other than cereals: metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers) (2) for cereals and foodstuffs of animal origin: metalaxyl
Metalaxyl-M	for cereals: metalaxyl-m.

(3) In Part 2 of Schedule 2(**4**) for the existing maximum permitted levels for residues of the pesticides Azoxystrobin, Fenhexamid, Fenpropimorph, Iprovalicarb, Maneb Mancozeb Metiram Propineb Zineb, Metalaxyl, Metalaxyl-M, Methomyl thiodicarb, Myclobutanil and Penconazole substitute the maximum permitted levels for residues of those pesticides specified in Schedule 1 to these Regulations in relation to the products so specified.

(4) For Schedule 5(**5**), substitute the Schedule set out in Schedule 2 to these Regulations.

Commencement Information

I2 Reg. 2 in force at 23.6.2005, see **reg. 1**

Revocations

3. Regulation 1(3) of, and Schedule 2 to, the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment Regulations 2005(**6**) are hereby revoked.

Commencement Information

I3 Reg. 3 in force at 23.6.2005, see **reg. 1**

St Andrew's House, Edinburgh
25th May 2005

ROSS FINNIE
A member of the Scottish Executive

(**3**) Schedule 1 was amended by S.S.I. 2001/84 and 221, 2002/271 and 489, 2003/118 and 445 and 2004/104, 220 and 399.
(**4**) Part 2 of Schedule 2 was substituted by S.S.I. 2003/118.
(**5**) Schedule 5 was inserted by S.S.I. 2002/271 and last substituted by S.S.I. 2005/109.
(**6**) S.S.I. 2005/109.

SCHEDULE 1

Regulation 2(3)

Group to which food belongs	Groups include the following products	Azoxystrobin	Fenhexamid	Fenpropimorph	Iprovalicarb	Mancozeb Metiram Propineb Zineb	Metalaxyl	Metalaxyl-M	Methomyl thiodicarb	Myclobutanil	Penconazole
1.	FRUIT, FRESH, DRIED OR UNCOOKED, PRESERVED BY FREEZING NOT CONTAINING ADDED SUGAR: NUTS										
i)	CITRUS FRUIT										
	Grapefruit	0.05*	0.05*	0.05*	5		0.5		0.5	3	0.05*
	Lemons	1	0.05*	0.05*	0.05*	5		0.5		1	3	0.05*
	Limes	1	0.05*	0.05*	0.05*	5		0.5		1	3	0.05*
	Mandarins (inc clementines & similar hybrids)	0.05*	0.05*	0.05*	5		0.5		1	3	0.05*
	Oranges	1	0.05*	0.05*	0.05*	5		0.5		0.5	3	0.05*
	Pomelos	1	0.05*	0.05*	0.05*	5		0.5		0.5	3	0.05*
	Others	1	0.05*	0.05*	0.05*	5		0.5		0.05*	3	0.05*
ii)	TREE NUTS (shelled or unshelled)										
	Almonds	0.1*	0.05*	0.05*	0.05*	0.1*		0.05*		0.05*	0.05*	0.05*
	Brazil nuts	0.1*	0.05*	0.05*	0.05*	0.1*		0.05*		0.05*	0.05*	0.05*
	Cashew nuts	0.1*	0.05*	0.05*	0.05*	0.1*		0.05*		0.05*	0.05*	0.05*
	Chestnuts	0.1*	0.05*	0.05*	0.05*	0.1*		0.05*		0.05*	0.05*	0.05*
	Coconuts	0.1*	0.05*	0.05*	0.05*	0.1*		0.05*		0.05*	0.05*	0.05*

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Group to which food belongs	Groups include the following products	Azoxystrobin	Fenhexamid	Fenpropimorph	Iprodione	Mancozeb Metiram Propineb Zineb	Metalaxyl	Metalaxyl-M	Methomyl-thiodicarb	Myclobutanil	Penconazole
	Hazelnuts	0.1*	0.05*	0.05*	0.05*	0.1*	0.05*		0.05*	0.05*	0.05*
	Macadamia nuts	0.1*	0.05*	0.05*	0.05*	0.1*	0.05*		0.05*	0.05*	0.05*
	Pecans	0.1*	0.05*	0.05*	0.05*	0.1*	0.05*		0.05*	0.05*	0.05*
	Pine nuts	0.1*	0.05*	0.05*	0.05*	0.1*	0.05*		0.05*	0.05*	0.05*
	Pistachios	0.1*	0.05*	0.05*	0.05*	0.1*	0.05*		0.05*	0.05*	0.05*
	Walnuts	0.1*	0.05*	0.05*	0.05*	0.1*	0.05*		0.05*	0.05*	0.05*
	Others	0.1*	0.05*	0.05*	0.05*	0.1*	0.05*		0.05*	0.05*	0.05*
iii)	POME FRUIT										
	Apples	0.05*	0.05*	0.05*	0.05*	3	1		0.2	0.5	0.2
	Pears	0.05*	0.05*	0.05*	0.05*	3	1		0.2	0.5	0.2
	Quinces	0.05*	0.05*	0.05*	0.05*	3	1		0.2	0.5	0.2
	Others	0.05*	005*	0.05*	0.05*	3	1		0.2	0.5	0.2
iv)	STONE FRUIT										
	Apricots	0.05*	5	0.05*	0.05*	2	0.05*		0.2	0.3	0.1
	Cherries	0.05*	5	0.05*	0.05*	1	0.05*		0.1	1	0.05*
	Peaches (incl nectarines & similar hybrids	0.05*	5	0.05*	0.05*	2	0.05*		0.2	0.5	0.1
	Plums	0.05*	1	0.05*	0.05*	1	0.05*		0.5	0.5	0.05*
	Others	0.05*	0.05*	0.05*	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*
v)	BERRIES AND SMALL FRUIT										
	(a)	(a) Table & wine grapes									
	Table grapes	2	5	0.05*	2	2	2		0.05*	1	0.2
	Wine grapes	2	5	0.05*	2	2	1		1	1	0.2

Group to which food belongs	Groups include the following products	Azoxystrobin	Fenhexamid	Fenpropimorph	Iprodione	Mancozeb Metiram Propineb Zineb	Metalaxyl	Metalaxyl-M	Methomyl-thiodicarb	Myclobutanil	Penconazole
Strawberries	(b) (other than wild)	5	1	0.05*	2	0.5		0.05*	1	0.05*	
	(c) Cane Fruit (other than wild)										
Blackberries		10	1	0.05*	0.05*	0.05*		0.05*	1	0.05*	
Dewberries		10	1	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*	
Loganberries		10	1	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*	
Raspberries		10	1	0.05*	0.05*	0.05*		0.05*	1	0.05*	
Others		10	1	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*	
	(d) Other small fruit & berries (other than wild)										
Bilberries		5	1	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*	
Cranberries		5	1	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*	
Currants (red, black & white)		5	1	0.05*	5	0.05*		0.05*	1	0.5	
Gooseberries		5	1	0.05*	5	0.05*		0.05*	1	0.05*	
Others		5	1	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*	
Wild berries & wild fruit	(e)	0.05*	0.05*	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*	
vi) MISCELLANEOUS FRUIT											
Avocados		0.05*	0.05*	0.05*	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*
Bananas		2	0.05*	2	0.05*	0.05*	0.05*		0.05*	2	0.05*
Dates		0.05*	0.05*	0.05*	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*
Figs		0.05*	0.05*	0.05*	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*
Kiwi fruit		0.05*	10	0.05*	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*
Kumquats		0.05*	0.05*	0.05*	0.05*	0.05*	0.05*		0.05*	0.02*	0.05*