SCOTTISH STATUTORY INSTRUMENTS

2004 No. 399

AGRICULTURE
PESTICIDES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 3) Regulations 2004

Made - - - -	*15th September 2004*
Laid before the Scottish Parliament - - - -	*16th September 2004*
Coming into force - -	*24th October 2004*

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. 3) Regulations 2004 and shall come into force on 24th October 2004.

Amendment of 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.

(2) In Schedule 1(**3**) omit–

(a) the entry relating to Omethoate;

(b) with effect from 26th January 2005, the entries relating to Hexachlorobenzene (HCB) and Hexachlorocyclohexane (HCH);

(**1**) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15. 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 and 2004/104 and 220.

(**3**) Schedule 1 was amended by S.S.I. 2001/84 and 221, 2002/271 and 489, 2003/118 and 445 and 2004/104 and 220.

(c) with effect from 26th January 2005, at the appropriate places in alphabetical order in column 1, insert, together with the corresponding entries in column 2, the following entries:–

Column 1 Pesticide	*Column 2* Residues
1,2-Dichloroethane	1,2-Dichloroethane
Ethylene oxide	Ethylene oxide (sum of ethylene oxide and 2 chloro ethanol expressed as ethylene oxide)
HCH (Hexachlorocyclohexane)	HCH, sum of isomers except the gamma isomer
Hexachlorobenzene	Hexachlorobenzene
Nitrofen	Nitrofen

; and

(d) with effect from 26th January 2005, for the entries in column 1 for Aldrin and Dieldrin, Camphechlor (Toxaphene), Chlordane and Mercury compounds, together with the corresponding entries in column 2, substitute the following entries in column 1, together with the corresponding entries in column 2:–

Column 1 Pesticide	*Column 2* Residues
Aldrin and dieldrin	(1) For products of plant origin (other than cereals) specified in groups 1 to 7 in Part 2 of Schedule 2: Aldrin and dieldrin combined expressed as dieldrin (2) For cereals specified in group 8 in Part 2 of Schedule 2 and foodstuffs of animal origin specified in group 9 in Part 2 of Schedule 2: Aldrin and dieldrin singly or combined, expressed as dieldrin (HEOD)
Camphechlor (Toxaphene)	(1) For products of plant origin (other than cereals) specified in groups 1 to 7 in Part 2 of Schedule 2: Camphechlor (Toxaphene) (2) For cereals specified in group 8 in Part 2 of Schedule 2: Camphechlor (chlorinated camphen with 67-69% chlorine) (3) For foodstuffs of animal origin specified in group 9 in Part 2 of Schedule 2: Camphechlor (sum of the three indicator compounds Parlar No. 26 (2-endo, 3-exo, 5-endo, 6 exo, 8, 8, 10, 10-octachlorobornane), Parlar No. 50 (2-endo, 3 exo, 5-endo, 6-exo, 8, 8, 9, 10, 10

Column 1 Pesticide	*Column 2* Residues
	nonachlorobornane) and Parlar No. 62 (2, 2, 5, 5, 8, 9, 9, 10, 10-nonachlorobornane)
Chlordane	(1) For products of plant origin (other than cereals) specified in groups 1 to 7 in Part 2 of Schedule 2: Chlordane (sum of cis- and trans-chlordane) (2) For cereals specified in group 8 in Part 2 of Schedule 2: Chlordane (sum of cis and trans isomers) (3) For foodstuffs of animal origin specified in group 9 in Part 2 of Schedule 2: Chlordane (sum of cis- and trans- isomers and oxychlordane expressed as chlordane)
Mercury compounds	Sum of mercury compounds expressed as mercury

(3) In Part 1 of Schedule 2(**4**), with effect from 26th January 2005, omit the headings "Aldrin and dieldrin", "Chlordane" and "Mercury compounds" together with all residue levels relevant thereto.

(4) In Part 2 of Schedule 2(**5**)–

(a) for the maximum residue level of mg/kg of Aramite on papaya, for "0.05*" substitute "0.01*";

(b) for the maximum residue level of mg/kg of Diphenylamine on papaya, for "0.01*" substitute "0.05*";

(c) omit the heading "Omethoate", together with all residue levels relevant thereto;

(d) with effect from 25th October 2004, substitute, in the appropriate places to preserve the alphabetical ordering from left to right, the maximum permitted levels for residues of the pesticide Bromopropylate specified in Schedule 1 to these Regulations in relation to the products so specified;

(e) with effect from 26th January 2005, omit the headings "Hexachlorobenzene (HCB)" and "Hexachlorocyclohexane (HCH)", together with all residue levels relevant thereto;

(f) with effect from 26th January 2005, insert in the appropriate places to preserve the alphabetical ordering from left to right, the maximum permitted levels for residues of the pesticides 1,2 Dichloroethane, Ethylene oxide, HCH (Hexachlorocyclohexane), Hexachlorobenzene, Mercury compounds and Nitrofen specified in Schedule 1 to these Regulations in relation to the products so specified; and

(g) with effect from 26th January 2005, for the existing maximum permitted levels for residues of the pesticides Aldrin and dieldrin, Binapacryl, Camphechlor (Toxaphene), Captafol, Chlordane, 1,2-Dibromoethane and Dinoseb, substitute the maximum permitted levels specified in Schedule 1 to these Regulations in relation to the products so specified.

(5) For Schedule 5(**6**) substitute the Schedule set out in Schedule 2 to these Regulations.

(**4**) Part 1 of Schedule 2 was amended by S.S.I. 2001/84, 2002/489, 2003/188 and 445 and 2004/104.
(**5**) Part 2 of Schedule 2 was substituted by S.S.I. 2003/118 and amended by S.S.I. 2003/445 and 2004/104 and 220.
(**6**) Schedule 5 was inserted by S.S.I. 2002/271 and last substituted by S.S.I. 2004/220.

Revocations

3. Regulation 2(5) of, and Schedule 2 to, the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2004(**7**) are hereby revoked.

St Andrew's House, Edinburgh
15th September 2004

ROSS FINNIE
A member of the Scottish Executive

(**7**) S.S.I. 2004/220.

SCHEDULE 1 Regulation 2(4)

Group to which food belongs	Groups include the following products													
	Aldrin & dieldrin	Binapacryl	Bromopropylate	Camphechlor (Toxaphene)	Captafol	Chlordane	1,2-Dibromoethane	1,2-Dichloroethane	Dinoseb	Ethylene oxide	HCH (Hexachlorocyclohexane)	Hexachlorobenzene	Morphoxane	Nitrofen
	Applying from 26 January 2005	Applying from 26 January 2005	Applying from 25 October 2004	Applying from 26 January 2005	Applying from 26 January 2005	Applying from 26 January 2005	Applying from 26 January 2005	Applying from 26 January 2005	Applying from 26 January 2005	Applying from 26 January 2005	Applying from 26 January 2005	Applying from 26 January 2005	Applying from 26 January 2005	Applying from 26 January 2005
1. Fruit, fresh, dried or uncooked, preserved by freezing not containing added sugar: nuts"														
i. CITRUS FRUIT														
Grapefruit	0.01*	0.05*	2	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Lemons	0.01*	0.05*	2	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Limes	0.01*	0.05*	2	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Mandarins (inc clementines & similar hybrids)	0.01*	0.05*	2	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Oranges	0.01*	0.05*	2	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Pomelos	0.01*	0.05*	2	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Others	0.01*	0.05*	2	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
ii. TREE NUTS (shelled or unshelled)														
Almonds	0.01*	0.05*	0.05*	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Brazil nuts	0.01*	0.05*	0.05*	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Cashew nuts	0.01*	0.05*	0.05*	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Chestnuts	0.01*	0.05*	0.05*	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Coconuts	0.01*	0.05*	0.05*	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Hazelnuts	0.01*	0.05*	0.05*	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Macadamia nuts	0.01*	0.05*	0.05*	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Pecans	0.01*	0.05*	0.05*	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*
Pine nuts	0.01*	0.05*	0.05*	0.1*	0.02*	0.01*	0.01*	0.01*	0.05*	0.1*	0.01*	0.01*	0.01*	0.01*