Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Protection Products Amendment (No. 3) (Scotland) Regulations 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCOTTISH STATUTORY INSTRUMENTS

2001 No. 454

PESTICIDES

The Plant Protection Products Amendment (No. 3) (Scotland) Regulations 2001

Made - - - - 5th December 2001
Laid before the Scottish Parliament - - - - 6th December 2001
Coming into force in accordance with regulation 1(2) and (3)

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972[F1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 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.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Plant Protection Products Amendment (No. 3) (Scotland) Regulations 2001.

(2) Other than is provided for in paragraph (3) below, these Regulations shall come into force on 31st December 2001.

(3) For the purposes of regulation 7 below, these Regulations shall come into force on the day after the day on which they are made.

(4) These Regulations extend to Scotland only.

Amendment of the Plant Protection Products Regulations 1995

2. The Plant Protection Products Regulations 1995 [F2] shall be amended in accordance with regulations 3 to 5 of these Regulations.

F2 S.I. 1995/887, amended by S.I. 1997/7 and 2499, and S.S.I. 2001/161 and 202 (the instrument last referred to being revoked by these Regulations).

3. In regulation 2(1) (interpretation), for the definition of "the Directive" there shall be substituted–

> ""the Directive" means Council Directive 1991/414/EEC concerning the placing of plant protection products on the market [F3], as amended by the instruments listed in Schedule 4 to these Regulations;".

F3 O.J. No. L 230, 19.8.91, p.1 (as read with Corrigenda published in O.J. No. L 170, 25.6.92, p.40).

4. After Schedule 3 there shall be inserted Schedule 4 as set out in the Schedule to these Regulations.

5. In regulation 25A (agency arrangements) [F4]–

(a) in paragraph (1), for "these regulations" there shall be substituted " or for the purposes of these Regulations or the Directive ";

(b) in paragraph (2), for "any fees" there shall be substituted " any fees and payments ".

F4 Regulation 25A was inserted by S.S.I. 2001/161, **regulation 3**.

Transitional Arrangements for Provisional Approvals

6.—(1) The provisions at paragraph (2) below shall apply, notwithstanding the amendments made by these Regulations, to the Plant Protection Products Regulations 1995.

(2) In relation to the active substance flupyrsulfuron-methyl in Annex I–

(a) any approval issued pursuant to regulation 7(1) (provisional approvals) or extended pursuant to regulation 7(5) in respect of any plant protection product containing that active substance shall not cease to have effect by reason only of the inclusion of that active substance in Annex I;

(b) any such approval or extension which provides for its expiry at a date prior to 30th November 2002 shall not expire at the date provided for, but shall continue in force until the date ascertained in accordance with sub-paragraph (d) below on the same terms and conditions under which it was approved or extended (save as to date of expiry so provided);

(c) any such approval or extension which provides for its expiry at a date on or after 30th November 2002 shall cease to have effect on the date ascertained in accordance with sub-paragraph (d) below;

(d) any approval or extension to which sub-paragraph (b) or (c) above applies shall cease to have effect on the date on which a decision made on an application for approval under regulation 5(1) (standard approvals) has effect or 30th November 2002, whichever is earlier.

(3) In this regulation and in regulation 7 below "Annex I" means Annex I to Council Directive 1991/414/EC concerning the placing of plant protection products on the market, as amended [F5].

F5 O.J. No. L 230, 19.8.91, p.1 (as read with Corrigenda published in O.J. No. L 170, 25.6.92, p.40), as amended by the instruments listed in the Schedule to these Regulations.

7.—(1) The provisions at paragraph (2) below shall apply to the Plant Protection Products Regulations 1995.

(2) In relation to the active substance fenhexamid in Annex I–

(a) any approval issued pursuant to regulation 7(1) or extended pursuant to regulation 7(5) in respect of any plant protection product containing that active substance which ceased to have effect prior to the date on which these Regulations come into force shall be treated as approved with effect from the coming into force date of these Regulations on the same terms and conditions under which it was approved or extended (save as to date of expiry so provided) until the date ascertained in accordance with sub-paragraph (b) below;

(b) any approval or extension to which sub-paragraph (a) above applies shall cease to have effect on the date on which a decision made on an application for approval under regulation 5(1) has effect or 1st August 2002, whichever is earlier.

Revocation

8. The Plant Protection Products Amendment (No. 2) (Scotland) Regulations 2001 [F6] are hereby revoked.

F6 S.S.I. 2001/202.

Pentland House, Edinburgh
5th December 2001

ROSS FINNIE
A member of the Scottish Executive