STATUTORY RULES OF NORTHERN IRELAND

2018 No. 188

AGRICULTURE
ENVIRONMENTAL PROTECTION
PESTICIDES
SEEDS

The Pesticides, Genetically Modified Organisms and Fertilisers (Miscellaneous Amendments) Regulations (Northern Ireland) 2018

Made - - - - 13th December 2018

Coming into operation 7th January 2019

The Department of Agriculture, Environment and Rural Affairs ("the Department")(**1**), in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**2**), makes the following Regulations.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act and it appears to the Department that it is expedient for references to the instruments specified in regulations 2, 6, 8, 9, 10 and 11 to be construed as references to those instruments as amended from time to time.

The Department is designated for the purposes of Section 2(2) of the European Communities Act 1972 in relation to—

(a) materials providing or intended to provide nutrients to plants(**3**);

(b) measures in the veterinary and phytosanitary fields for the protection of public health(**4**);

(c) the common agricultural policy of the European Union(**5**);

(d) measures relating to the control and regulation of genetically modified organisms(**6**);

(**1**) Formerly the Department of Agriculture and Rural Development (DARD see Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I.1)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs (DAERA) by Article 1(2) of the Departments Act (Northern Ireland) 2016 (2016 c.5 (N.I.)).

(**2**) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51) (the 2006 Act, section 27(1)(a) and the European union (Amendment) Act 2008 (c.7) (the 2008 Act), the Schedule Part 1. Paragraph 1A of Schedule 2 was inserted by the 2006 Act, section 28, and was amended by the 2008 Act, the Schedule Part 1. Section 2(2) and paragraph 1A of the Schedule 2 are prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act.

(**3**) S.I. 2001/3919.

(**4**) S.I. 1999/2027.

(**5**) S.I. 2000/2812.

(**6**) S.I. 1991/755.

(e) prevention, reduction and elimination of pollution of water(**7**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pesticides, Genetically Modified Organisms and Fertilisers (Miscellaneous Amendments) Regulations (Northern Ireland) 2018 and come into operation on 7 January 2019.

(2) The Interpretation Act (Northern Ireland) 1954(**8**) applies to these Regulations as it applies to an Act of the Assembly.

Amendment of the Control of Pesticides Regulations (Northern Ireland) 1987

2.—(1) The Control of Pesticides Regulations (Northern Ireland) 1987(**9**) are amended as follows.

(2) In regulation 2 (Interpretation), in the definition of "Regulation 1107/2009", at the end add "as amended from time to time".

(3) In regulation 8(6), for "the Environmental Information Regulations (Northern Ireland) 1993", substitute "the Environmental Information Regulations 2004(**10**)".

Amendment of the Fertilisers Regulations (Northern Ireland) 1992

3.—(1) The Fertilisers Regulations (Northern Ireland) 1992(**11**) are amended as follows.

(2) Omit regulations 1A and 2.

(3) Before regulation 3, insert—

"**Scope: "EC fertilisers"**

2A. These Regulations do not apply to fertilisers designated as "EC fertilisers".".

(4) In regulation 3—

(a) for the heading, substitute "Control of materials";

(b) renumber the existing regulation as paragraph (1) of regulation 3;

(c) omit ", not being designated as an EEC fertiliser or EC fertiliser,".

(5) In regulation 3A—

(a) renumber the existing regulation as paragraph (2) of regulation 3;

(b) omit ", not being designated as an EEC fertiliser or EC fertiliser,".

(6) In regulation 4(4) and (5), omit ", not being designated as EEC fertilisers or EC fertilisers,".

(7) In the following regulations, omit ", not being designated as an EEC fertiliser or EC fertiliser,"—

(a) regulation 7(b) and (c);

(b) regulation 9(b) and (c).

(**7**) S.I. 1989/2393.
(**8**) 1954 c.33(N.I.).
(**9**) S.R. 1987 No. 414, as amended by S.R. 1991 No. 203, S.R. 1997 No. 469, S.R. 2001 No. 422, S.R. 2011 No. 295, S.I. 2012/1916, S.R. 2013 No. 1478 and S.R. 2013 No. 206.
(**10**) S.I. 2004/3391, as amended by S.I 2015/1897 and the Data Protection Act 2018 (2018, c.12).
(**11**) S.R. 1992 No. 187, as amended by S.R. 1995 No. 49, S.R. 1997 No. 378 and S.R. 1998 No. 353.

(8) In regulation 10 (Register of marks), in paragraph (1), at the beginning, omit "Except in the case of materials sold or offered for sale designated as EEC fertilisers or EC fertilisers,".

(9) Omit regulation 11 (Enforcement).

(10) Schedule 1 (Prescribed descriptions of material, meanings of names, particulars and information to be contained in the statutory statement and limits of variation), is amended as follows—

(a) in the following paragraphs, omit ", not being designated as EEC fertilisers or EC fertilisers,"—

(i) paragraph 6;

(ii) paragraph 7(a)(i) and (b);

(b) in section B of the table, in column 4, in the table relating to nitrogen, in each place it occurs—

(i) omit the column headed "EC fertiliser";

(ii) in the second column, for "Other than EEC fertiliser or EC fertiliser", substitute "Fertiliser";

(c) in section C of the table, in group 2, in column (4), in each place they occur, omit—

(i) "EC fertiliser";

(ii) "Other than EEC fertiliser or EC fertiliser".

(11) Schedule 2 (Manner of marking and labelling materials and fastening of packaged material), is amended as follows—

(a) in Part I, in paragraph 1—

(i) omit sub-paragraph (a);

(ii) in sub-paragraph (i), omit the words from the beginning to "EC fertilisers,";

(iii) in sub-paragraph (k), omit ", sold or offered for sale as an EC fertiliser,";

(b) in Part II, in paragraph 2, omit the words from the beginning to "EC fertiliser,".

Amendment of the Genetically Modified Organisms (Risk Assessment) (Records and Exemptions) Regulations (Northern Ireland) 1996

4.—(1) The Genetically Modified Organisms (Risk Assessment) (Records and Exemptions) Regulations (Northern Ireland) 1996(**12**) are amended as follows.

(2) In regulation 4 (Exemptions for requirements to carry out risk assessments)—

(a) in sub-paragraph (2)(b)(i), for "Schedule 1", substitute "Schedule 2";

(b) in sub-paragraph (2)(b)(ii), for "regulation 3(3) of and Part III of Schedule 1", substitute "regulation 3(1) of, and Part 3 of Schedule 2";

(c) in sub-paragraph (2)(c) for "Council Regulation (EEC) No. 2309/93", substitute "Regulation (EC) No 726/2004(**13**) of the European Parliament and the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, as last amended by Regulation (EU) 1027/2012(**14**)";

(**12**) S.R. 1996 No.442, as amended by S.R. 1997 No. 534.
(**13**) OJ No L 136, 30.4.2004, p. 1.
(**14**) OJ No L 316, 14.11.2012, p. 38.