STATUTORY RULES OF NORTHERN IRELAND

# 2008 No. 433

# AGRICULTURE
# PESTICIDES

## The Pesticides (Maximum Residue Levels) Regulations (Northern Ireland) 2008

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| *Made - - - -* | *5th November 2008* |
| *Coming into operation-* | *8th December 2008* |

The Department of Agriculture and Rural Development is a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to the common agricultural policy of the European Community(**2**) and in relation to measures in the veterinary and phytosanitary fields for the protection of public health(**3**).

These Regulations make provision for a purpose mentioned in that section and it appears to the Department that it is expedient for the references to Regulation (EC) No 396/2005 of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC(**4**) to be construed as references to that instrument as amended from time to time.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972(**5**).

### Citation and commencement

**1.**—(1) These Regulations may be cited as the Pesticides (Maximum Residue Levels) Regulations (Northern Ireland) 2008 and come into operation on 8th December 2008.

### Interpretation

**2.**—(1) In these Regulations—

"the Department" means the Department of Agriculture and Rural Development;

(**1**) 1972 c. 68.
(**2**) S.I. 2000/2812
(**3**) S.I. 1999/2027
(**4**) OJ No L 70, 16.3.2005, p 1 as amended by OJ No L 29, 2.2.2006, p 3, OJ No L 58, 1.3.2008, p 1, OJ No L 76, 19.3.2008, p 31 and OJ No L 97, 9.4.2008, p 67.
(**5**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)

"inspector" means a person appointed under regulation 8(1);

"Regulation 396/2005" means Regulation (EC) No 396/2005 of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC, as last amended by Regulation (EC) No 299/2008 of the European Parliament and of the Council of 11 March 2008(**6**).

(2) Any reference in these Regulations to Regulation 396/2005 is a reference to that Regulation as amended from time to time.

(3) Expressions used in both these Regulations and Regulation 396/2005 have the same meaning in these Regulations as they have in Regulation 396/2005.

(4) The Interpretation Act (Northern Ireland) 1954(**7**)applies to these Regulations as it applies to an Act of the Assembly.

### Notices

**3.** Any notice under these Regulations—

(a) must be in writing;

(b) may be subject to conditions; and

(c) may be amended, suspended or revoked by a notice issued by an inspector.

### Designated national authority

**4.** The Department is the designated national authority for the purposes of Article 38 of Regulation 396/2005.

### Functions of the member State

**5.** The functions of the member State in Regulation 396/2005 are to be performed by the Department.

### Compliance with MRLs

**6.** It is an offence for any person to—

(a) place on the market as food or feed, or

(b) feed to any animal,

any product covered by Annex I to Regulation 396/2005 in breach of Article 18(1) of that Regulation as read with Article 20(1) of that Regulation.

### Prohibition on processing and mixing products

**7.** It is an offence for any person to process or mix any products specified in Article 19 of Regulation 396/2005 in breach of that Article.

### Powers of inspectors

**8.**—(1) The Department may appoint any person to be an inspector for the purposes of these Regulations.

(2) Schedule 1 (powers of inspectors) has effect.

(**6**) OJ No L 97, 9.4.2008, p 67
(**7**) 1954 c.33 (N.I.)

### Obstruction

**9.** It is an offence—

(a) intentionally to obstruct any person acting in the execution of these Regulations;

(b) knowingly or recklessly to give any information that is false or misleading in a material particular to any person acting in the execution of these Regulations;

(c) intentionally to fail to disclose any material particular to any person acting in the execution of these Regulations; or

(d) to fail, without reasonable excuse—

(i) to give any assistance or information that any person acting in the execution of these Regulations may require; or

(ii) to produce any record that any person acting in the execution of these Regulations may require to be produced.

### Offences by bodies corporate

**10.**—(1) For the purposes of these Regulations section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words "the liability of whose members is limited".

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts or defaults of a member in connection with his functions of management as if the member were a director of the body corporate.

(3) Where an offence under these Regulations committed by a partnership is proved—

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on the part of a partner,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(4) Where an offence under these Regulations committed by an unincorporated association (other than a partnership) is proved—

(a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such officer or member,

the officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

### Offences due to fault of another person

**11.** Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person is guilty of the offence; and a person may be convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

### Penalties

**12.** A person guilty of an offence under these Regulations is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.