STATUTORY RULES OF NORTHERN IRELAND

1998 No. 353

AGRICULTURE

The Fertilisers (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*12th October 1998*
Coming into operation—	
all provisions except regulation 7(b) and Schedule 2	*16th November 1998*
regulation 7(b) and Schedule 2	*1st January 1999*

The Department of Agriculture, in exercise of the powers conferred on it by sections 66(1), 68(1), (2) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A(1), (2) and (4), 84 and 86(1), (2), (3) and (9) of the Agriculture Act 1970(**1**) and of all other powers enabling it in that behalf, after consultation with such persons or organisations as appear to it to represent the interests concerned, being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, in exercise of the powers conferred on it by the said section 2(2), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Fertilisers (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on the following dates—

(a) all provisions except regulation 7(*b*), and Schedule 2, on 16th November 1998; and

(b) regulation 7(*b*) and Schedule 2 on 1st January 1999.

(2) In these Regulations "the principal Regulations" means the Fertilisers Regulations (Northern Ireland) 1992(**4**).

(**1**) 1970 c. 40; section 74A was inserted by S.4(1) of, and paragraph 6 of Schedule 4 to the European Communities Act 1972 (c. 68) and there are other amendments to the Act not relevant to these Regulations

(**2**) S.I.1976/897

(**3**) 1972 c. 68; Section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)

(**4**) S.R. 1992 No. 187 amended by S.R. 1995 No. 49 and S.R. 1997 No. 378

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the principal Regulations

2. Subject to regulation 8, the principal Regulations are hereby further amended in accordance with regulations 3 to 7.

3. In regulation 1 (citation, commencement and interpretation), paragraphs (2) and (3) shall be deleted.

4. After regulation 1 there shall be inserted the following regulation:

"**Control of materials designated as EEC fertilisers**

1A.—(1) A person shall not—

(a) designate as an EEC fertiliser any material intended for use as a fertiliser, or give any indication, directly or indirectly, that it is an EEC fertiliser; or

(b) sell or have in possession with a view to sale, for use as a fertiliser, any material so designated, or in respect of which any such indication is given,

unless any packaging, label or accompanying document by means of which the designation was effected or, as the case may be, the indication was given, was used before 1st January 1999.

(2) In relation to any material intended for use as a fertiliser, no designation of it as an EC fertiliser, or indication that it is such a fertiliser, shall, if permitted by regulation 2, be treated, for the purposes of paragraph (1), as any type of indication that the material is an EEC fertiliser.

(3) In paragraph (1), expressions also used in Article 2 of Directive 97/63/EC of the European Parliament and of the Council amending Directives 76/116/EEC, 80/876/EEC, 89/284/EEC and 89/530/EEC on the approximation of the laws of the Member States relating to fertilisers(**6**) shall be construed in accordance with that Article.".

5. For each of the expressions listed in the first column of Part I of Schedule 1 to these Regulations, wherever the expression concerned appears in the principal Regulations there shall be substituted the expression listed opposite to that expression in the second column of that Part.

6. For each of the expressions listed in the first column of Part II of Schedule 1 to these Regulations, wherever the expression concerned appears in the principal Regulations, there shall be substituted the expression listed opposite to that expression in the second column of that Part.

7. In the table in Schedule 1 to the principal Regulations (prescribed descriptions of material, meanings of names, particulars and information to be contained in the statutory statement and limits of variation)—

(a) for the expression "EEC fertiliser", wherever it appears as a heading in Groups 1 to 3 of Section B (compound fertilisers) and Group 2 of Section C (fluid fertilisers), there shall be substituted the heading "EC fertiliser"; and

(b) in Group 1(*a*) of Section C (fluid fertilisers), after the provisions relating to the material Magnesium nitrate solution, there shall be inserted in columns (2) to (5) the contents of Schedule 2 to these Regulations.

(**5**) 1954 c. 33 (N.I.)
(**6**) O.J. No. L335, 6.12.97, p. 15

Transitional provision

8. The amendments to the principal Regulations made by regulations 5 and 7(*a*) shall not effect any material designated as an EEC fertiliser, or in respect of which any indication is given, directly or indirectly, that it is an EEC fertiliser, and which is—

(a) sold, offered for sale or held in possession with a view to sale for use as a fertiliser; or

(b) made available to any other person for the final use by that other person as a fertiliser,

(as the case may be)—

(i) before 1st January 1999, or

(ii) on or after that date, where any packaging, label or accompanying document by means of which the designation was effected or, as the case may be, the indication was given, was used before that date,

and, in relation to any such material, the principal Regulations shall continue to apply, as if those amendments had not been made.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

12th October 1998.

Liam McKibben
Assistant Secretary

SCHEDULE 1 Regulations 5 and 6

Expressions substituted for expressions appearing in the principal Regulations

Part I

Expression currently appearing in the principal Regulations	*Expression substituted for expression currently appearing in the principal Regulations*
"designated as EEC fertilisers";	"designated as EC fertilisers";
"designated as an EEC fertiliser";	"designated as an EC fertiliser";
"in respect of which any indication is given directly or indirectly that it is an EEC fertiliser";	"in respect of which any indication is given, directly or indirectly, that it is an EC fertiliser";
"the words "EEC FERTILISER" in capital letters";	"the words "EC FERTILISER" in capital letters";
"sold or offered for sale as an EEC fertiliser".	"sold or offered for sale as an EC fertiliser".

Part II

Expression currently appearing in the principal Regulations	*Expression substituted for expression currently appearing in the principal Regulations*
"not designated as EEC fertilisers";	"not designated as EEC fertilisers or EC fertilisers";
"not designated as an EEC fertiliser";	"not designated as an EEC fertiliser or an EC fertiliser";
"not being designated as an EEC fertiliser";	"not being designated as an EEC fertiliser or an EC fertiliser";
"not being designated as EEC fertilisers";	"not being designated as EEC fertilisers or EC fertilisers";
"other than EEC fertiliser";	"other than EEC fertiliser or EC fertiliser";
"except in the case of materials sold or offered for sale designated as EEC fertilisers";	"except in the case of materials sold or offered for sale designated as EEC fertilisers or EC fertilisers";
"Except in the case of material sold or offered for sale designated as an EEC fertiliser".	"Except in the case of material sold or offered for sale designated as an EEC fertiliser or an EC fertiliser".