STATUTORY RULES OF NORTHERN IRELAND

1997 No. 471

PESTICIDES

Plant Protection Products (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*28th October 1997*
Coming into operation	*9th December 1997*

The Department of Agriculture, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Plant Protection Products (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 9th December 1997.

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

Amendment of the Plant Protection Products Regulations (Northern Ireland) 1995

2. The Plant Protection Products Regulations (Northern Ireland) 1995(**4**) shall be amended in accordance with regulations 3 to 8.

3. In regulation 2(1) (Interpretation), in the definition of "the Directive" after sub-paragraph (*e*) there shall be inserted the following sub-paragraphs—

"(f) Commission Directive 96/12/EC(**5**);

(g) Commission Directive 96/46/EC(**6**).".

4. In regulation 20 (Seizure and disposal of plant protection products)—

(a) for paragraph (1) there shall be substituted the following paragraph—

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1995 No. 371, regulation 2(1) was amended by S.R. 1996 No. 456
(**5**) O.J. No. L65, 15.3.96, p. 20
(**6**) O.J. No. L214, 23.8.96, p. 18

"(1) Where there has been a contravention, in relation to any plant protection product, of any prohibition, requirement or condition imposed by or under these Regulations in relation to that plant protection product, any Northern Ireland Department shall have the power—

(a) to seize or dispose of the plant protection product or require the holder of the approval, or any other person appearing to that Department to be the owner or the person in charge of that plant protection product, to dispose of it;

(b) to seize or dispose of anything treated with the plant protection product or require any person appearing to that Department to be the owner or the person in charge of anything so treated to dispose of it;

(c) to require the holder of the approval, or any other person appearing to that Department to be the owner or the person in charge of that plant protection product, to take such remedial action as appears to that Department to be necessary as a result of the contravention including, where it appears to be necessary as a result of the contravention, recovery of the plant protection product from the market in Northern Ireland.";

(b) after paragraph (2) there shall be inserted the following paragraph—

"(3) Any person who contravenes or causes or permits any person to contravene any requirement imposed under this regulation shall be guilty of an offence.".

5. In regulation 22 (Penalties) for paragraph (1) there shall be substituted the following paragraph —

"(1) A person guilty of an offence under regulation 3(6), 5(7), 7(8), 8(3), 9(7), 10(4), 11(7), 18(2), 19(2), 20(3) or 21(1) or (2) shall be liable—

(a) on summary conviction, to a fine of an amount not exceeding the statutory maximum; and

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

6. In regulation 24 (Enforcement) for paragraph (2) there shall be substituted the following paragraph—

"(2) This regulation applies to any offence under regulation 3(6), 5(7), 7(8), 8(3), 9(7), 10(4), 11(7), 14(2), 16(5) or (6), 18(2), 19(2) or 20(3).".

7. In regulation 27 (Disapplication), for paragraphs (1) and (2) there shall be substituted the following paragraphs—

"(1) The 1987 Regulations shall not apply to any plant protection product the placing on the market and use of which are, or under Schedule 3 have become, subject to the prohibitions specified in regulation 3(1) and (2).

(2) The 1987 Regulations shall not apply to any plant protection product which is approved under regulation 9.".

8. In Schedule 2 (Labelling Requirements) at the end of paragraph 6 there shall be added—

"and where it makes such a requirement it shall do so in writing by notice served on persons holding approval for the plant protection products concerned".