1995 No. 461

AGRICULTURE

PESTICIDES

Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (EEC Limits) (Amendment) Regulations (Northern Ireland) 1995

Made . . . . . 13th December 1995

Coming into operation . . 14th February 1996

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) 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 Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (EEC Limits) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 14th February 1996.

(2) In these Regulations "the principal Regulations" means the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (EEC Limits) Regulations (Northern Ireland) 1995(**c**).

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

Amendment of the principal Regulations

2. After regulation 8 of the principal Regulations there shall be inserted the following:

"*General defence of due diligence*

9.—(1) In any proceedings for an offence under regulation 8(1), (2) or (3) it is a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(**a**) S.I. 1972/1811
(**b**) 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.R. 1984 No. 253
(**c**) S.R. 1995 No. 33
(**d**) 1954 c. 33 (N.I.)

(2) Without prejudice to the generality of paragraph (1) a person is to be taken to have established the defence provided by that paragraph if he proves—

(*a*) that he acted under instructions given to him by his employer; or

(*b*) that he acted in reliance on information supplied by another person without any reason to suppose that the information was false or misleading,

and in either case that he took all such steps as were reasonably open to him to ensure that no offence would be committed.

(3) If in any case the defence provided by paragraph (1) involves an allegation that the commission of the offence was due to an act or omission by another person, other than the giving of instructions to the person charged with the offence by his employer, or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless within a period ending seven clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of that other person as was then in his possession.".

3. The pesticides specified in column 1 of Schedule 1 to these Regulations shall be inserted in column 1 of Schedule 1 to the principal Reglations in their appropriate alphabetically ordered positions and, in relation to each such pesticide, there shall be entered in column 2 of Schedule 1 to the principal Regulations the residues specified in column 2 of Schedule 1 to these Regulations opposite that pesticide.

4. In Schedule 2 to the principal Regulations the maximum level of 0.02* milligrammes of Iprodione per kilogramme of product specified in relation to the product Lemons shall be deleted and the maximum level of 0.02* milligrammes of Iprodione per kilogramme of product shall be specified in relation to the product Grapefruit.

5. In Schedule 2 to the principal Regulations the maximum level of 0.05* milligrammes of Cypermethrin per kilogramme of product specified in relation to the product Spring onions and the maximum level of 0.05* milligrammes of Deltamethrin per kilogramme of product specified in relation to the product Figs shall be deleted.

6. In Schedule 2 to the principal Regulations—

(*a*) there shall be inserted, under the headings for the pesticides Captafol and Carbendazim the figures specified in the column below the reference to those pesticides in Schedule 2 to these Regulations so that those figures will appear opposite such groups of products or such individual products in Schedule 2 to the principal Regulations as they appear opposite those products mentioned in Schedule 2 to these Regulations.

(*b*) there shall be inserted, in the appropriate place to preserve the alphabetical ordering from left to right, references to each of the other pesticides stated at the head of a column in Schedule 2 to these Regulations together with the figures specified in the column below the reference to that pesticide so that those figures will appear opposite such groups of products or such individual products in Schedule 2 to the principal Regulations as they appear opposite those products mentioned in Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 13th December 1995.

(L.S.) *L. G. McKibben*
Assistant Secretary

Column 1 *Pesticide*	*Column 2* *Residues*
Benalaxyl	benalaxyl
Benfuracarb	benfuracarb
Carbofuran	sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran
Carbosulfan	carbosulfan
Cyfluthrin	cyfluthrin, including other mixed isomeric constituents (sum of isomers)
Daminozide	sum of daminozide and 1,1-dimethyl-hydrazine, expressed as daminozide
Ethephon	ethephon
Fenarimol	fenarimol
Furathiocarb	furathiocarb
Lambda-cyhalothrin	lambda-cyhalothrin
Metalaxyl	metalaxyl
Propiconazole	propiconazole

SCHEDULE 2 Regulation 6

Group to which food belongs	*Groups include the following products*	*Benalaxyl*	*Benfuracarb*	*Captafol*	*Carbendazim*	*Carbofuran*	*Carbosulfan*	*Cyfluthrin*
1. Fruit, fresh, dried or uncooked, preserved by freezing not containing added sugar: nuts								
(i) Citrus Fruit	Grapefruit	0.05*						0.02*
	Lemons	0.05*						0.02*
	Limes	0.05*						0.02*
	Mandarins (inc. clementines and similar hybrids)	0.05*						0.02*
	Oranges	0.05*						0.02*
	Pomelos	0.05*						0.02*
	Others	0.05*						0.02*
(ii) Tree Nuts (shelled or unshelled)	Almonds	0.05*	0.05*			0.1*	0.05*	0.02*
	Brazil nuts	0.05*	0.05*			0.1*	0.05*	0.02*
	Cashew nuts	0.05*	0.05*			0.1*	0.05*	0.02*
	Chestnuts	0.05*	0.05*			0.1*	0.05*	0.02*
	Coconuts	0.05*	0.05*			0.1*	0.05*	0.02*
	Hazelnuts	0.05*					0.05*	0.02*
	Macadamia nuts	0.05*	0.05*			0.1*	0.05*	0.02*
	Pecans	0.05*	0.05*			0.1*	0.05*	0.02*
	Pine nuts	0.05*	0.05*			0.1*	0.05*	0.02*
	Pistachios	0.05*	0.05*			0.1*	0.05*	0.02*
	Walnuts	0.05*	0.05*			0.1*	0.05*	0.02*
	Others	0.05*	0.05*			0.1*	0.05*	0.02*