
STATUTORY INSTRUMENTS

1998 No. 2024

AGRICULTURE

The Fertilisers (Amendment) Regulations 1998

<i>Made</i>	- - - -	<i>13th August 1998</i>
<i>Laid before Parliament</i>		<i>21st August 1998</i>
<i>Coming into force</i>		
<i>all provisions except regulation 7(b) and Schedule 2</i>		<i>16th September 1998</i>
<i>regulation 7(b) and Schedule 2</i>		<i>1st January 1999</i>

The Minister of Agriculture, Fisheries and Food and the Secretary for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 66(1), 68(1), (2) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A(1), (2) and (4) and 84 of the Agriculture Act 1970⁽¹⁾ and of all other powers enabling them in that behalf, after consultation in accordance with section 84(1) of the said Act with such persons or organisations as appear to them to represent the interests concerned, and the Secretary of State, being the Minister 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 him by the said section 2(2), and of all other powers enabling him in that behalf, hereby make the following Regulations:

Title, commencement, extent and interpretation

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

- (a) all provisions except regulation 7(b) and Schedule 2, on 16th September 1998, and
- (b) regulation 7(b) and Schedule 2 on 1st January 1999.

(2) In these Regulations “the principal Regulations” means the Fertilisers Regulations 1991⁽⁴⁾.

(1) 1970 c. 40; section 74A was inserted by 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. The definition of “the Ministers” in section 66(1) was amended by S.I.1978/272.

(2) S.I. 1976/897.

(3) 1972 c. 68.

(4) S.I. 1991/2197, amended by S.I. 1995/16 and S.I. 1997/1543.

Amendment of the principal Regulations

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

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

4. After regulation 1 (title, commencement and interpretation) there shall be inserted the following regulation:

“Control of materials designated as EEC fertilisers

1A.—(1) No person shall—

- (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) above, as any type of indication that the material is an EEC fertiliser.

(3) In paragraph (1) of this regulation, 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⁽⁵⁾ 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 (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.

Transitional provision

8. The amendments to the principal Regulations made by regulations 5 and 7(a) above shall not affect 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—

(5) OJ No. L335, 6.12.97, p.15.

(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.

10th August 1998

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

5th August 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

13th August 1998

Peter Hain
Parliamentary Under Secretary of State, Welsh
Office

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SCHEDULE 1

regulations 5 and 6

EXPRESSIONS SUBSTITUTED FOR EXPRESSIONS
APPEARING IN THE PRINCIPAL REGULATIONS

PART I

<i>Expression currently appearing in the principal Regulations</i>	<i>Expression substituted for expression currently appearing in the principal Regulations</i>
“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

<i>Expression currently appearing in the principal Regulations</i>	<i>Expression substituted for expression currently appearing in the principal Regulations</i>
“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 fertilisers or EC fertilisers;”
“except in the case of materials sold or offered for sale designated as EEC fertilisers;”	“except in the case of material sold or offered for sale designated as EEC fertilisers or EC fertiliser;”
“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.”

SCHEDULE 2

regulation 7(b)

PROVISIONS INSERTED IN GROUP 1(a) OF SECTION C OF THE
TABLE IN SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

<p>“Calcium nitrate suspension (may be followed by one of the following indications: — for foliar application — for making nutrient solutions and suspensions — for fertigation).</p>	<p>Product obtained by suspension of calcium nitrate in water and containing not less than 8% nitrogen (N), where N is expressed as total nitrogen or as nitric and ammoniacal nitrogen, with a maximum content of 1% ammoniacal nitrogen. Not less than 14% CaO. Calcium expressed as water soluble CaO.</p>	<p>Amount of total nitrogen; Amount of nitric nitrogen; Amount of calcium oxide soluble in water.</p>	<p>0.4 As set out in paragraph 7(a) of this Schedule 0.9.</p>
<p>Nitrogen fertiliser solution with urea formaldehyde.</p>	<p>Product obtained chemically or by dissolution in water of urea formaldehyde and a nitrogenous fertiliser from group 1(a) in Section A of this Schedule (excluding calcium cyanamide, nitrogenous calcium cyanamide, ammonium nitrate and calcium ammonium nitrate) and containing not less than 18% nitrogen (N). At least one third of the declared total nitrogen content must derive from urea formaldehyde. The maximum biuret content to be (ureic N + urea formaldehyde N) × 0.026.</p>	<p>Amount of: total nitrogen; Amount, where equal to or greater than 1% by weight of: 1. nitric nitrogen 2. ammoniacal nitrogen 3. ureic nitrogen; nitrogen from urea formaldehyde.</p>	<p>0.4 As set out in paragraph 7(a) of this Schedule.</p>
<p>Nitrogen fertiliser suspension with urea formaldehyde.</p>	<p>Product obtained chemically or by suspension in water of urea formaldehyde and a nitrogenous fertiliser from group 1(a) in Section A of this</p>	<p>Amount of: total nitrogen; Amount, where equal to or greater than 1% by weight of:</p>	<p>0.4 As set out in paragraph 7(a) of this Schedule.”</p>

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Schedule (excluding calcium cyanamide, nitrogenous calcium cyanamide, ammonium nitrate and calcium ammonium nitrate) and containing not less than 18% nitrogen (N). At least one third of the declared total nitrogen content must derive from urea formaldehyde of which at least three fifths must be soluble in hot water. The maximum biuret content to be (ureic +urea formaldehyde N)×0.026.	<ol style="list-style-type: none"> 1. nitric nitrogen 2. ammoniacal nitrogen 3. ureic nitrogen; nitrogen from urea formaldehyde; nitrogen from urea formaldehyde soluble in cold water; nitrogen from urea formaldehyde soluble only in hot water.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend further the Fertilisers Regulations 1991 (“the principal Regulations”) and implement:

Directive [97/63/EC](#) of the European Parliament and of the Council (OJNo. L335, 6.12.97, p.15) 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; and

Commission Directive [98/3/EC](#) (OJ No. L18, 23.1.98, p.25) adapting to technical progress Council Directive [76/116/EEC](#) on the approximation of the laws of the Member States relating to fertilisers.

The principal changes effected by the Regulations are as follows:

- (a) the substitution, for the controls in the principal Regulations on the use in relation to fertilisers of the term “EEC fertilisers”, of corresponding controls on the use of the term “EC fertilisers” (regulations 5 and 7(a) and Schedule 1 Part I), subject to transitional provisions for EEC fertilisers applicable before 1st January 1999 and, in specified circumstances, after that date (regulation 8);
- (b) the making of consequential amendments in respect of fertilisers in relation to which neither the term “EEC fertilisers” nor the term “EC fertilisers” has been used (regulation 6 and Schedule 1 Part II);
- (c) the prohibition of the use of the term “EEC fertiliser” save in specified circumstances (regulation 4); and

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- (d) the amendment (with effect from 1st January 1999) of Schedule 1 to the principal Regulations (which relates to prescribed descriptions of material, meanings of names, particulars and information to be contained in the statutory statement and limits of variation) as regards fertilisers specified in the Table to that Schedule, by specification of additional fertilisers which may be designated as “EC fertilisers”.