
STATUTORY INSTRUMENTS

2019 No. 1290

PESTICIDES

WATER RESOURCES, ENGLAND AND WALES

WATER RESOURCES, SCOTLAND

The Pesticides (Amendment) Regulations 2019

Made - - - - 26th September 2019
Laid before Parliament 1st October 2019
Coming into force - - 31st October 2019

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1).

The Secretary of State is a Minister designated for the purposes of that section in relation to the common agricultural policy of the European Union(2), the environment(3), and measures in the veterinary and phytosanitary fields for the protection of public health(4).

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Pesticides (Amendment) Regulations 2019 and come into force on 31st October 2019.

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- (1) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act). Functions exercisable by the former Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly were transferred to the Secretary of State by S.I. 2002/794. Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales. The retained power of the Secretary of State to exercise such functions as regards Northern Ireland is confirmed by Article 2(3) of S.I. 1999/2027, Article 3(2) of S.I. 2000/2812 and Article 2(a) of S.I. 2008/301.
- (2) S.I. 1972/1811, which is prospectively revoked by S.I. 2018/1011 from exit day.
- (3) S.I. 2008/301, which is prospectively revoked by S.I. 2018/1011 from exit day.
- (4) S.I. 1999/2027, which is prospectively revoked by S.I. 2018/1011 from exit day.

PART 2

Amendment of primary legislation

The Natural Environment and Rural Communities Act 2006

2. In section 43(3)(d) of the Natural Environment and Rural Communities Act 2006(5), for “Commission Regulation (EU) 2018/605”(6) substitute “Regulation (EU) 2019/1009 of the European Parliament and of the Council”(7).

PART 3

Amendment of secondary legislation

The Control of Pesticides Regulations 1986

3. In regulation 2(1) of the Control of Pesticides Regulations 1986(8), in the definition of “Regulation 1107/2009”, for “Commission Regulation (EU) 2018/605” substitute “Regulation (EU) 2019/1009 of the European Parliament and of the Council”.

The Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004

4. In Schedule 1 to the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004(9), in paragraph 14A(1), for “Commission Regulation (EU) 2018/605” substitute “Regulation (EU) 2019/1009 of the European Parliament and of the Council”.

The Plant Protection Products Regulations 2011

5. In regulation 2(1) of the Plant Protection Products Regulations 2011(10), in the definition of “Regulation 1107/2009”, for “Commission Regulation (EU) 2018/605” substitute “Regulation (EU) 2019/1009 of the European Parliament and of the Council”.

The Plant Protection Products (Fees and Charges) Regulations 2011

6. In regulation 2(1) of the Plant Protection Products (Fees and Charges) Regulations 2011(11), in the definition of “Regulation 1107/2009”, for “and repealing Council Directives 79/117/EEC and 91/414/EEC” substitute “, as last amended by Regulation (EU) 2019/1009 of the European Parliament and of the Council”.

The Plant Protection Products (Sustainable Use) Regulations 2012

7.—(1) The Plant Protection Products (Sustainable Use) Regulations 2012(12) are amended as follows.

(5) 2006 c.16. Section 43(3)(d) was amended by S.I. 2017/304, 2018/942.

(6) OJ No L 101, 20.4.2018, p 33, as corrected by a corrigendum (OJ No L 111, 2.5.2018, p 10).

(7) OJ No L 170, 25.6.2019, p 1.

(8) S.I. 1986/1510; relevant amending instruments are S.I. 2011/2131, 2018/942.

(9) S.I. 2004/99; relevant amending instruments are S.I. 2016/139, 2018/942. Paragraph 14A is prospectively revoked by S.I. 2019/558 from exit day.

(10) S.I. 2011/2131, amended by S.I. 2018/942; there are other amending instruments but none is relevant.

(11) S.I. 2011/2132, to which there are amendments not relevant to these Regulations.

(12) S.I. 2012/1657, amended by S.I. 2018/942; there are other amending instruments but none is relevant.

(2) In regulation 2(1), in the definition of “Regulation 1107/2009”, for “Commission Regulation (EU) 2018/605” substitute “Regulation (EU) 2019/1009 of the European Parliament and of the Council”.

(3) In regulation 5(12), in the definition of “a regulator in the United Kingdom”—

(a) in sub-paragraph (a), omit “the Quality Assurance Agency or”;

(b) in sub-paragraph (b), for “the Quality Assurance Agency (Wales)” substitute “Qualifications Wales”.

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

8. In regulation 23(1) of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(**13**), for “Commission Regulation (EU) 2018/605” substitute “Regulation (EU) 2019/1009 of the European Parliament and of the Council”.

George Eustice
Minister of State
Department for Environment, Food and Rural
Affairs

26th September 2019

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend references in primary and subordinate legislation to Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ No L 309, 24.11.2009, p. 1) in consequence of the amendment of that Regulation by Regulation (EU) 2019/1009 of the European Parliament and of the Council laying down rules on the making available on the market of EU fertilising products (OJ No L 170, 25.6.2019, p. 1).

Regulation 7(3) updates the definition of “a regulator in the United Kingdom” in respect of England and Wales for the purposes of regulation 5 of the Plant Protection Products (Sustainable Use) Regulations 2012 (S.I. 2012/1657).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.