



# Pesticides Act 1998

## 1998 CHAPTER 26

An Act to amend the Food and Environment Protection Act 1985 in respect of the powers to make regulations concerning pesticides and in respect of the enforcement of provisions relating to the control of pesticides. [9th July 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1 Regulation of pesticides

- (1) Section 16 of the Food and Environment Protection Act 1985 is amended as set out in subsections (2) to (4).
- (2) In subsection (2)(g) (power by regulations to provide for seizure by Minister of pesticides in case of breach of prohibition or condition)—
  - (a) after “the Ministers”, insert “and any local authority”; and
  - (b) after “the Minister”, insert “or local authority”.
- (3) In subsection (2), for paragraph (j) (provision of information to public) substitute—
  - “(j) provide for information to be made available to the public, subject to—
    - (i) any condition that the Ministers consider appropriate; and
    - (ii) payment of such amount as the Ministers may, with the consent of the Treasury, determine as representing the cost reasonably attributable to the supply of the information;”.
- (4) After subsection (2), insert—
  - “(2A) In subsection (2)—
    - (a) in paragraph (g), “local authority” has the same meaning as in section 19; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) in paragraph (j), “information” means any information which has been supplied to a government department or other authority at any time for the purposes of, or otherwise in connection with—
  - (i) any provision made by or under this section;
  - (ii) the United Kingdom Pesticides Safety Precautions Scheme;
  - or
  - (iii) the Agricultural Chemicals Approval Scheme.”

(5) In section 25 (application to Northern Ireland), after subsection (2) insert—

“(2A) In the application of section 16 as respects transferred matters in Northern Ireland, for subsection (6) of section 16 substitute—

“(6) Regulations—

- (a) if contained in a statutory rule which includes any regulations made under section 2(2) of the European Communities Act 1972, shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act Northern Ireland) 1954;
- (b) in any other case, shall not be made unless a draft of them has been laid before and approved by resolution of the Northern Ireland Assembly.”

## 2 Enforcement of controls on pesticides

(1) In section 19 of the Food and Environment Protection Act 1985 (enforcement powers), insert after subsection (6)—

“(6A) A notice under subsection (5) or (6) above may at any time be withdrawn by a person so authorised.

(6B) Withdrawal of a notice does not affect the power to serve a fresh notice under subsection (5) or (6).”

(2) In Schedule 2 to the 1985 Act (officers and their powers), insert after paragraph 2—

### *“Power to question*

- 2A (1) If an officer is carrying out functions conferred by Part III of this Act, he may require a person whom he has reasonable cause to believe is able to give information which will assist him in carrying out those functions—
- (a) to answer such questions as the officer thinks it appropriate to ask; and
  - (b) to sign a declaration of the truth of his answers.
- (2) Any person to whom questions are put under this paragraph may nominate a person to be with him when he gives his answers.
- (3) When a person answers any such questions the only other persons who may be present (apart from the questioner) are—
- (a) the person (if any) nominated under sub-paragraph (2); and
  - (b) any person authorised by the officer to be present.

- (4) A person is not to be excused from complying with a requirement under sub-paragraph (1) on the ground that to do so might incriminate him or his spouse of an offence; but a statement or admission made in complying is not admissible in evidence against either of them in proceedings for any offence.”
- (3) The provisions of paragraph 4 of Schedule 2 to the 1985 Act shall become sub-paragraph (1) of that paragraph and at the end add—
- “(2) An officer exercising any power of entry conferred by Part III of this Act may photograph anything which he has reasonable cause to believe may be relevant in connection with the exercise of his functions under that Part.
- (3) Nothing in sub-paragraph (2) affects the powers conferred by sub-paragraph (1).”

### **3 Short title, commencement and extent**

This Act—

- (a) may be cited as the Pesticides Act 1998;
- (b) comes into force at the end of the period of two months beginning with the day on which it is passed; and
- (c) extends to Northern Ireland.