
STATUTORY INSTRUMENTS

1986 No. 1510

The Control of Pesticides Regulations 1986

Title and commencement

1. These regulations may be cited as the Control of Pesticides Regulations 1986 and shall come into operation as follows—

- (a) regulation 3(3) shall come into operation on 1st July 1987;
- (b) regulation 4(1) shall come into operation on 1st January 1987;
- (c) regulation 4(5)(b)(i) shall come into operation on 1st January 1988;
- (d) this regulation and the remaining provisions of these regulations shall come into operation on 6th October 1986.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“active ingredient” means a component of a pesticide which fits it for use as a pesticide;

“adjuvant” means a substance other than water, without significant pesticidal properties, which enhances or is intended to enhance the effectiveness of a pesticide, when it is added to that pesticide;

“aerial application” means the application of a pesticide from an aircraft in flight;

“approval” means an approval given jointly by the Ministers under regulation 5 in relation to a pesticide;

“curtilage” means the land attached to a building and forming one enclosure with it;

“evaluation” means a written evaluation of study reports or other data examined in the course of an appraisal by the Ministers of a pesticide in relation to which approval is sought;

“experimental permit” has the meaning given by regulation 5(2)(a);

“full approval” has the meaning given by regulation 5(2)(c);

“local beekeepers' spray warning scheme” means any scheme for the advance notification of the application of pesticides, organised by local beekeepers and notified to the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland or the Secretary of State for Wales (being the Secretaries of State respectively concerned with agriculture in Scotland and Wales);

“metal working fluid” means any fluid used to facilitate the cutting, drilling, forming or machining of metal;

“micropropagation” means the growth of plantlets from tissue culture or small parts of a plant in culture solution and under conditions which are sterile apart from the presence of that plant;

“mycoplasma” means a genus of organisms which have a unit membrane without a rigid cell wall and are highly pleomorphic, having no independent form or spore stage in the life cycle;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

“novel food” means any food or food ingredient produced from raw material which hitherto has not been used for human consumption or has been so used only in small amounts, or produced by new or extensively modified processes not previously used in the production of food;

“paint” includes surface coatings;

“provisional approval” has the meaning given by regulation 5(2)(b);

“sell” includes offer or expose for sale or have in possession for sale, and “sale” shall be construed accordingly;

“supply” includes offer to supply;

“soil sterilant” means a substance used to control harmful organisms in soil or compost.

(2) Any reference in these regulations to a numbered regulation or schedule shall be construed as a reference to the regulation or schedule so numbered in these regulations.

Scope

3.—(1) Subject to the following provisions of this regulation, these regulations apply to pesticides and to any substance, preparation or organism prepared or used for any of the following purposes—

- (a) protecting plants or wood or other plant products from harmful organisms;
- (b) regulating the growth of plants;
- (c) giving protection against harmful creatures;
- (d) rendering such creatures harmless;
- (e) controlling organisms with harmful or unwanted effects on water systems, buildings or other structures, or on manufactured products;
- (f) protecting animals against ectoparasites,

as if it were a pesticide.

(2) These regulations do not apply to—

- (a) organisms other than bacteria, protozoa, fungi, viruses, and mycoplasmas, used for destroying or controlling pests;
- (b) substances whose use or sale within the United Kingdom is controlled under any of the following enactments—

Medicines Act 1968;

Agriculture Act 1970 Part IV;

Food Act 1984;

Food and Drugs (Scotland) Act 1956;

The Cosmetics Products (Safety) Regulations 1984;

when those substances are used or sold for the purpose over which control under that enactment is exercised;

- (c) substances prepared or used for the purpose of disinfecting, bleaching or sterilising any substance (including water), other than soils, compost or other growing medium;
- (d) substances used in laboratories for the purpose of the micropropagation of plants or substances used in the production of novel food;
- (e) substances designed and used for—
 - (i) the stimulation of the growth of plants, excluding materials which act as plant growth hormones, or which mimic the action of such materials;
 - (ii) the modification of micro-biological processes in soil, excluding soil sterilants;

- (iii) assistance in the anaerobic fermentation of silage;
- (f) pesticides—
 - (i) used in adhesive pastes, decorative paper or textiles;
 - (ii) intended solely for exportation from the United Kingdom;
 - (iii) used as part of a manufacturing process, other than for the purpose of preserving timber or timber products or in the production of food;
 - (iv) used in preparations intended for topical application to human beings for the purpose of repelling insects;
 - (v) used in metal working fluids;
 - (vi) used in paint;
 - (vii) used in water supply systems or in swimming pools.

(3) Notwithstanding sub-paragraph (2)(f)(iii) and (vi) above, “pesticides” in paragraph (1) above shall include paints used to prevent the fouling of the hulls of vessels or structures below the waterline, or applied to nets, floats or other apparatus used in the cultivation of fish.

Prohibitions

- 4.—(1) No person shall advertise a pesticide unless—
- (a) the Ministers jointly have given a provisional or full approval under regulation 5 in relation to that pesticide and a consent under regulation 6(a);
 - (b) any conditions of the approval related to advertisement and the conditions of the consent have been complied with.
- (2) No person shall sell a pesticide unless—
- (a) the Ministers jointly have given a provisional or full approval under regulation 5 in relation to that pesticide and a consent under regulation 6(b);
 - (b) any conditions of the approval related to supply and the conditions of the consent have been complied with.
- (3) No person shall supply a pesticide unless—
- (a) the Ministers jointly have given an approval under regulation 5 in relation to that pesticide and a consent under regulation 6(b);
 - (b) any conditions of the approval related to supply and the conditions of the consent have been complied with.
- (4) No person shall store a pesticide unless—
- (a) the Ministers jointly have given an approval under regulation 5 in relation to that pesticide and a consent under regulation 6(b);
 - (b) any conditions of the approval related to storage and the conditions of the consent have been complied with.
- (5) No person shall use a pesticide unless—
- (a) the Ministers jointly have given an approval under regulation 5 in relation to that pesticide and a consent under regulation 6(c);
 - (b)
 - (i) the conditions of the approval related to use,
 - (ii) the conditions of the consent imposed under regulation 6(c)(i), and,
 - (iii) in the case of pesticides applied from an aircraft in flight, the additional conditions of the consent imposed under regulation 6(c)(ii) have been complied with.

Approvals

5.—(1) Subject to the following provisions of this regulation, the Ministers may jointly give their approval in relation to a pesticide of any description.

- (2) The Ministers' approval may be given in relation to a pesticide, in the form of—
- (a) an experimental permit, to enable testing and development to be carried out with a view to providing the Ministers with safety and other data;
 - (b) a provisional approval, for a stipulated period with a view to satisfying the Ministers' outstanding data requirements; or
 - (c) a full approval, for an unstipulated period.

(3) Each approval may authorise the use, supply and storage of the pesticide to which it relates and a provisional approval or a full approval may in addition authorise the sale and advertisement of that pesticide.

- (4) An approval may be given subject to conditions imposed when or after it is given.
- (5) The Ministers may jointly, at any time—
- (a) review, revoke or suspend an approval,
 - (b) amend the conditions of an approval.

Consents

6. The Ministers may be notice in the London and Edinburgh Gazettes jointly give their consent to—

- (a) the advertisement of pesticides subject to such of the basic conditions set out in Schedule 1 and any further conditions as may be specified by such a notice;
- (b) the sale, supply and storage of pesticides subject to such of the basic conditions set out in Schedule 2 and any further conditions as may be specified by such a notice;
- (c) the use of pesticides subject to—
 - (i) such of the basic conditions set out in Schedule 3 and any further conditions that may be specified by such a notice, and,
 - (ii) in the case of pesticides applied from an aircraft in flight, such of the additional basic conditions set out in Schedule 4 and any further conditions as may be specified by such a notice.

Seizure or disposal of pesticides

7.—(1) If there has been a breach, in relation to any pesticide, of any of the specified prohibitions imposed by regulation 4, or of a condition of an approval or consent, either of the Ministers shall have power—

- (a) to seize or dispose of the pesticide or to require that some other person shall dispose of it;
- (b) to seize or dispose of anything treated with the pesticide or to require that some other person shall dispose of any such thing;
- (c) to direct some other person to take such remedial action as appears to the Minister to be necessary as a result of the contravention.

(2) If any pesticide has been imported into the United Kingdom in contravention of any of the specified prohibitions or of a condition of any approval or of any consent, either of the Ministers may require that it shall be removed out of the United Kingdom.

Release of information to the public

8.—(1) Upon the giving of a provisional approval or of a full approval or amendment of the conditions imposed upon it, the Ministers may, at the request of any person, make available to him for inspection, on such conditions as they may determine, an evaluation of the pesticide in relation to which that approval was given or its conditions were amended.

(2) If a person satisfies the Ministers that an evaluation made available to him for inspection under the previous paragraph gives insufficient information for his purposes, the Ministers may make available for his inspection at such times and on such conditions as may be determined by the Ministers, the study reports (or other data) supplied in support of an application for the approval.

(3) A copy of an evaluation or study report may be furnished by the Ministers on payment of such reasonable fees as the Ministers, with the consent of the Treasury, may determine from time to time.

(4) No person to whom an evaluation or a study report has been made available for inspection by virtue of paragraphs (1), (2) or (3) above shall make any commercial use of the information contained therein nor, unless authorised in writing by the Ministers so to do, publish any of the contents of that evaluation or study report.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th August 1986.

L.S.

Michael Jopling
Minister of Agriculture, Fisheries and Food

29th July 1986

Gray of Contin
Minister of State
Scottish Office

4th August 1986

Wyn Roberts
Parliamentary Under-Secretary of State for
Wales

29th July 1986

Young
Secretary of State for Employment

31st July 1986

Nicholas Ridley
Secretary of State for the Environment

14th August 1986

Norman Fowler
Secretary of State for Social Services