
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England and Wales only, are made under section 2(2) of the European Communities Act 1972 and Part III of the Food and Environment Protection Act 1985 and consolidate and replace the provisions of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) Regulations 1994 (S.I. 1994/1985) and the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 1995 to 1999 (S.I. 1995/1483, 1996/1487, 1997/567, 1998/2922 and 1999/1109).

To the extent that the Regulations are made under the European Communities Act 1972, regulation 4 and Schedule 2 Part 2 specify maximum levels of pesticide residues which crops, food and feeding stuffs may contain in implementation of Council Directive 86/362/EEC (OJ No. L221, 7.8.86, p. 37) and Council Directive 86/363/EEC (OJ No. L221, 7.8.86, p. 43) as regards cereals and products of animal origin, and Council Directive 90/642/EEC (OJ No. L350, 14.12.90, p. 71) as regards certain products of plant origin (including fruit and vegetables), each as last amended by Commission Directive 1999/71/EC (OJ No. L194, 27.7.99, p. 36) (these Directives as so amended being referred to in these Regulations as “the Residues Directives”). In particular, these Regulations specify for the first time maximum residue levels for the pesticide Azoxystrobin in implementation of Commission Directive 1999/71/EC. Regulation 4 also creates offences, specifies penalties, provides defences and confers enforcement powers where these maximum residue levels have been exceeded in respect of products put into circulation.

To the extent that these Regulations are made under the Food and Environment Protection Act 1985, they specify maximum levels of pesticide residues which may be left in crops, food and feeding stuffs which are not the subject of the Residues Directives. Since they are made under section 16(2)(k) of that Act, regulation 3 and Schedule 2 Part 1) do no more than specify the maximum residue level which may be left in a particular product. Offences and penalties for contravention of regulation 3 are prescribed respectively by sections 16(12) and 21(3) of that Act.

The Regulations also confer powers to seize and dispose of products where maximum residue levels have been exceeded (regulation 5) and prescribe how much of a particular product is to be taken into account in determining whether a maximum residue level has been exceeded in accordance with Council Directive 90/642/EEC (regulation 6 and Schedule 3). Provision is also made with regard to the manner for determining whether maximum residue levels have been exceeded when found in dried or processed products or composite foods, so far as these are the subject of the Residues Directives (regulation 6).

The Regulations include certain drafting improvements to the preceding legislation, in particular omitting reference to the means by which a pesticide residue may come to be in any product (see regulations 2(3), 3(1) and 4(1)) and clarifying the provisions setting maximum residue levels in their application to dried or processed products or composite foods (see regulations 3(2), 4(2) and (3)).

These Regulations revoke the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) Regulations 1994 (S.I. 1994/1985) and the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 1995 to 1999 (S.I. 1995/1483, 1996/1487, 1997/567, 1998/2922 and 1999/1109) in so far as they apply to England and Wales (regulation 7 and Schedule 4).

A copy of the Codex Recommendations is available for inspection at the library of the Ministry of Agriculture, Fisheries and Food, Whitehall Place, London SW1A 2EY.

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

A regulatory impact assessment has been prepared in respect of these Regulations. Copies of this assessment can be obtained from the Pesticides Safety Directorate of the Ministry of Agriculture, Fisheries and Food, Room 313, Mallard House, Kings Pool, 3 Peasholme Green, York YO1 7PX. A copy has been placed in the library of each House of Parliament.