

EXPLANATORY MEMORANDUM TO
THE PLANT PROTECTION PRODUCTS (AMENDMENT) (No.3) REGULATIONS
2007

2007 No. 2466

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Statutory Instrument amends the Plant Protection Products Regulations 2005 (S.I. 2005/1435), which implement Council Directive 91/414/EEC.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This Statutory Instrument corrects an error in The Plant Protection Products (Amendment) (No.2) Regulations 2007 (S.I. 2007/1941) in which there was no express provision to that effect in the operative part of the Regulations because the words “as amended from time to time” were omitted from the Regulation 2(a) of the signed version of those Regulations.

4. Legislative Background

4.1 This instrument amends the Plant Protection Products Regulations 2005 to implement EC Directives which amend Directive 91/414/EEC by means of an ambulatory reference made under new paragraph 1A of Schedule 2 to the European Communities Act 1972. This will reduce the number of amending Statutory Instruments issued in the future.

4.2 This instrument transposes Commission Directives which are not subject to Parliamentary Scrutiny.

5. Extent

5.1 This Instrument extends to England and Wales only. Similar legislation is being prepared by the Scottish Executive, Environment and Rural Affairs Department and the Department of Agriculture and Rural Development, Northern Ireland.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 Active substances used in pesticides are evaluated at EU level and those that are found to be acceptable in terms of effects on people and the environment are

authorised by means of inclusion in Annex 1 of Directive 91/414/EEC by Directives amending Council Directive 91/414/EEC. These Regulations amend the Plant Protection Products Regulations 2005 (S.I. 2005/1435) which implement Council Directive 91/414/EEC in England and Wales.

7.2 The House of Lords Merits Committee has previously stated that changes to the Plant Protection Products Regulations 2005 should take the form of consolidation rather than amendment. However, the Department is currently in the process of drafting replacement legislation which is planned to come into force on 6 April 2008. This new legislation will replace several other Regulations: the Control of Pesticides Regulations 1986 (as amended); The Plant Protection Products (Basic Conditions) Regulations 1997; The Plant Protection Products Regulations 2005 (as amended); and The Plant Protection Products (Fees) Regulations 2007. A consultation on the replacement legislation is due to start by the end of July 2007. In the meantime, this Statutory Instrument uses a new provision in the European Communities Act 1972 inserted by the Legislative and Regulatory Reform Act 2006, to insert an "ambulatory" definition of Directive 91/414/EEC. This will reduce the number of amending statutory instruments that would otherwise have to be issued to transpose EC Directives that amend Directive 91/414/EEC. This is in line with better regulatory principles. Therefore a consolidation of the Regulations was not thought to be an efficient use of resources at this time.

7.3 This Statutory Instrument has been made in consequence of a defect in the Plant Protection Products (Amendment) (No.2) Regulations 2007 (S.I. 2007/1941) and is being issued free of charge to all known recipients of that Statutory Instrument.

8. Impact

8.1 A regulatory impact assessment has not been prepared in respect of these Regulations as they have no impact on the costs of business.

9. Contact

Karen Trott at the Department of Environment, Food and Rural Affairs (Tel: 01904 455750 or email: karen.trott@psd.defra.gsi.gov.uk) can answer any queries regarding the instrument.