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STATUTORY INSTRUMENTS

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**2008 No. 2570**

**The Pesticides (Maximum Residue Levels)  
(England and Wales) Regulations 2008**

**Title, application and commencement**

1. These Regulations—
  - (a) may be cited as the Pesticides (Maximum Residue Levels) (England and Wales) Regulations 2008;
  - (b) apply in relation to England and Wales; and
  - (c) come into force on 1st November 2008.

**Interpretation**

- 2.—(1) In these Regulations—

“inspector” has the meaning given by regulation [8\(1\)](#);

“local authority” means—

  - (a) in any part of England where there is a unitary authority, that authority;
  - (b) in any part of England where there is not a unitary authority—
    - (i) in a metropolitan district, the council of that district,
    - (ii) in a non-metropolitan county, the council of that county,
    - (iii) in each London borough, the council of that borough,
    - (iv) in the City of London, the Common Council;
  - (c) in Wales, a county council or county borough council.

“Regulation 396/2005” means Regulation [\(EC\) No 396/2005](#) of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive [91/414/EEC](#).
- (2) Any reference in these Regulations to Regulation 396/2005 is a reference to that Regulation as amended from time to time.
- (3) Expressions used in both these Regulations and Regulation 396/2005 have the same meaning in these Regulations as they have in Regulation 396/2005.

**Notices**

3. Any notice under these Regulations—
  - (a) must be in writing;
  - (b) may be subject to conditions; and
  - (c) may be amended, suspended or revoked by a notice issued by an inspector.

## Designated national authority

<sup>F1</sup>4. ....

### Textual Amendments

- F1** Reg. 4 omitted (31.12.2020) by virtue of The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/306), regs. 1(4), **11**; 2020 c. 1, Sch. 5 para. 1(1)

## Functions of the member State

<sup>F2</sup>5. ....

### Textual Amendments

- F2** Reg. 5 omitted (31.12.2020) by virtue of The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/306), regs. 1(4), **11**; 2020 c. 1, Sch. 5 para. 1(1)

## [<sup>F3</sup>Compliance with MRLs

6. It is an offence for any person to—
- (a) place on the market as food or feed, or
  - (b) feed to any animal,

any product [<sup>F4</sup>listed in Section A or B of a list in Part 1 of the MRLs register in relation to England or Wales] in breach of Article 18(1) of [<sup>F5</sup>Regulation 396/2005] as read with Article 20(1) of that Regulation.

### Textual Amendments

- F3** Regs. 4, 5 substituted (1.3.2019) by The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/306), regs. 1(3), **3(2)** (with reg. 4)
- F4** Words in reg. 6 substituted (31.12.2020) by The Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/557), regs. 1(1), **14(2)(a)** (with reg. 14(3)-(5)) (as amended by S.I. 2020/1376, regs. 1(4), 6(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 6 substituted (31.12.2020) by The Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/557), regs. 1(1), **14(2)(b)** (with reg. 14(3)-(5)) (as amended by S.I. 2020/1376, regs. 1(4), 6(8)); 2020 c. 1, Sch. 5 para. 1(1)

## Prohibition on processing and mixing products

7. It is an offence for any person to process or mix any products specified in Article 19 of Regulation 396/2005 in breach of that Article.

### Textual Amendments

- F3** Regs. 4, 5 substituted (1.3.2019) by The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/306), regs. 1(3), **3(2)** (with reg. 4)

## Powers of inspectors

8.—(1) The [<sup>F6</sup>Secretary of State] (in England) and the Welsh Ministers (in Wales) may appoint any person to be an inspector for the purposes of these Regulations.

(2) Schedule 1 (powers of inspectors) has effect.

### Textual Amendments

- F3** Regs. 4, 5 substituted (1.3.2019) by [The Pesticides and Fertilisers \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/306\)](#), regs. 1(3), **3(2)** (with reg. 4)
- F6** Words in reg. 8(1) substituted (24.9.2011) by [The Plant Protection Products Regulations 2011 \(S.I. 2011/2131\)](#), reg. 1(1), **Sch. 4**

## Obstruction

9. It is an offence—

- (a) intentionally to obstruct any person acting in the execution of these Regulations;
- (b) knowingly to give any information that is false or misleading to any person acting in the execution of these Regulations;
- (c) intentionally to fail to disclose any material particular to any person acting in the execution of these Regulations; or
- (d) to fail, without reasonable excuse—
  - (i) to give any assistance that any person acting in the execution of these Regulations may require, or
  - (ii) to produce any record that any person acting in the execution of these Regulations may require to be produced,

for the performance of that person's functions under these Regulations.

### Textual Amendments

- F3** Regs. 4, 5 substituted (1.3.2019) by [The Pesticides and Fertilisers \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/306\)](#), regs. 1(3), **3(2)** (with reg. 4)

## Offences by bodies corporate

10.—(1) If an offence under these Regulations committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer, or
- (b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body.

(3) "Officer", in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

**Changes to legislation:** There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels) (England and Wales) Regulations 2008. (See end of Document for details)

**Textual Amendments**

**F3** Regs. 4, 5 substituted (1.3.2019) by [The Pesticides and Fertilisers \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/306\)](#), regs. 1(3), **3(2)** (with reg. 4)

**Penalties**

- 11.** A person guilty of an offence under these Regulations is liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.

**Textual Amendments**

**F3** Regs. 4, 5 substituted (1.3.2019) by [The Pesticides and Fertilisers \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/306\)](#), regs. 1(3), **3(2)** (with reg. 4)

**Enforcement**

- 12.** These Regulations are enforced—
- (a) in England, by the [<sup>F7</sup>Secretary of State]; and
  - (b) in Wales, by the Welsh Ministers.

**Textual Amendments**

**F3** Regs. 4, 5 substituted (1.3.2019) by [The Pesticides and Fertilisers \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/306\)](#), regs. 1(3), **3(2)** (with reg. 4)

**F7** Words in reg. 12(a) substituted (24.9.2011) by [The Plant Protection Products Regulations 2011 \(S.I. 2011/2131\)](#), reg. 1(1), **Sch. 4**

**Revocations**

- 13.** Schedule 2 (revoked instruments) has effect.

**Textual Amendments**

**F3** Regs. 4, 5 substituted (1.3.2019) by [The Pesticides and Fertilisers \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/306\)](#), regs. 1(3), **3(2)** (with reg. 4)

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Ministers]

**Changes to legislation:**

There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels) (England and Wales) Regulations 2008.