

SCHEDULE 6
PROTECTION OF WILDLIFE

Miscellaneous

14 After section 15 insert—

“15A Possession of pesticides

- (1) Any person who is in possession of any pesticide containing one or more prescribed active ingredient shall be guilty of an offence.
- (2) A person shall not be guilty of an offence under subsection (1) if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—
 - (a) any regulations made under section 16(2) of the Food and Environment Protection Act 1985 (c. 48), or
 - (b) the Biocidal Products Regulations 2001 (S.I. 2001/880) or any regulations replacing those regulations.
- (3) In this section—

“pesticide” has the meaning given in the Food and Environment Protection Act 1985 (c. 48), and

“prescribed active ingredient” means an ingredient of a pesticide which fits it for use as such and which is of a type prescribed by order made by the Scottish Ministers.”