

SCHEDULE 3

Regulation 7(c)(i)

CONDITIONS RELATING TO CONSENT TO THE USE
OF PRESCRIBED PLANT PROTECTION PRODUCTS

1. It shall be the duty of all employers to ensure that persons in their employment who may be required during the course of their employment to use prescribed plant protection products are provided with such instruction, training and guidance as is necessary to enable those persons to comply with any requirements provided in and under these Regulations and the Plant Protection Products Regulations.

2.—(1) Any person who uses a prescribed plant protection product shall take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water.

(2) In this paragraph “water” means—

- (a) any surface water;
- (b) any ground water.

3. No person in the course of a business or employment shall use a prescribed plant protection product, or give an instruction to others on the use of a prescribed plant protection product, unless that person—

- (a) has received adequate instruction, training and guidance in the safe, efficient and humane use of prescribed plant protection products, and
- (b) is competent for the duties which that person is called upon to perform.

4. Any person who uses a prescribed plant protection product shall confine the application of that prescribed plant protection product to the land, crop, structure, material or other area intended to be treated.

5.—(1) Subject to sub-paragraph (4) below, no person shall use a prescribed plant protection product in conjunction with an adjuvant in any manner unless—

- (a) that adjuvant has been specified, upon application by any person (in this paragraph 5 referred to as “the applicant”) to the Ministers, in a list of adjuvants published by the Ministers from time to time (in this paragraph 5 referred to as “the list”); and
- (b) the use of that prescribed plant protection product with that adjuvant in that manner is in accordance with—
 - (i) the conditions of the approval given in relation to that prescribed plant protection product; and
 - (ii) any requirements to which the use of that adjuvant with that prescribed plant protection product is subject, as determined or amended under sub-paragraph (2)(a) (ii) or (iii) below.

(2) In the application of this paragraph—

- (a) the Ministers may, in relation to any adjuvant specified in the list, at any time—
 - (i) determine data requirements (concerning human safety or environmental protection) to which the specification of that adjuvant in the list shall be subject;
 - (ii) determine requirements to which the use of that adjuvant with approved prescribed plant protection products shall be subject;
 - (iii) for reasons of human safety or environmental protection, or with the consent of the applicant, amend any requirement which has been determined under sub-paragraph (ii) above;

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- (b) the Ministers shall, in relation to any adjuvant specified in the list, also specify in that list any requirements which they have determined or amended under paragraph (a)(ii) or (iii) above.
- (3) In the application of this paragraph—
 - (a) the Ministers may, in relation to any adjuvant specified in the list, remove that adjuvant from the list—
 - (i) if it appears to them that the applicant has failed to comply with any data requirement which has been determined in relation to that adjuvant under sub-paragraph (2)(a)(i) above;
 - (ii) if it appears to them that any relevant literature relating to the adjuvant is not in accordance with any requirement to which the use of that adjuvant is subject, as determined or amended under sub-paragraph (2)(a)(ii) or (iii) above;
 - (iii) if it appears to them that—
 - (aa) any relevant literature relating to the adjuvant refers to a prescribed plant protection product, and
 - (bb) the use of that adjuvant with that prescribed plant protection product is not in accordance with the conditions of the approval given in relation to that prescribed plant protection product;
 - (iv) for reasons of human safety or environmental protection;
 - (v) at the request of the applicant;
 - (b) the Ministers shall, upon a decision to remove an adjuvant from the list specify in the list—
 - (i) that decision, and
 - (ii) the date on which, and any conditions in accordance with which, the removal is to take effect;
 - (c) “relevant literature”, in relation to any adjuvant, means—
 - (i) the labelling of the packaging in which the adjuvant is contained;
 - (ii) any leaflet accompanying that package;
 - (iii) any other literature produced by, or on behalf of, the applicant describing the adjuvant.
- (4) This paragraph shall not apply where the use of an adjuvant with an approved prescribed plant protection product is for the purpose of research or development and is carried out under the direct control of the person intending to place the adjuvant on the market.
- (5) In this paragraph “adjuvant” means a substance other than water, without significant plant protection properties, which enhances or is intended to enhance the effectiveness of a prescribed plant protection product when it has been added to that plant protection product.

6.—(1) No person shall combine or mix for use two or more prescribed plant protection products which are anticholinesterase compounds unless such a mixture is expressly permitted by the conditions of an approval given in relation to at least one of those prescribed plant protection products or by the labelling of the container in which at least one of those prescribed plant protection products has been sold, supplied or otherwise marketed to that person.

(2) No person shall combine or mix for use two or more prescribed plant protection products unless—

- (a) all of the conditions of approval given in relation to each of those prescribed plant protection products, and

(b) the labelling of the container in which each of those prescribed plant protection products has been sold, supplied or otherwise marketed to that person,
can be complied with.

7.—(1) No person in the course of a commercial service shall use a prescribed plant protection product approved for agricultural use unless that person—

- (a) has obtained a certificate of competence recognised by the Ministers; or
- (b) uses that plant protection product under the direct and personal supervision of a person who holds such a certificate; or
- (c) uses it in accordance with an approval, if any, for one or more of the following uses—
 - (i) home garden (amateur gardening);
 - (ii) food storage practice;
 - (iii) vertebrate control (including rodenticides and repellents);
 - (iv) domestic use;
 - (v) wood preservation;
 - (vi) ‘other’ (as may be defined by the Ministers).

(2) In this paragraph “commercial service” means the application of a prescribed plant protection product by a person—

- (a) to crops, land, produce, materials, buildings or the contents of buildings not in the ownership or occupation of that person or that person’s employer;
- (b) to seed other than seed intended solely for use by that person or that person’s employer.

8. No person who was born later than 31 December 1964 shall use a prescribed plant protection product approved for agricultural use unless that person—

- (a) has obtained a certificate of competence recognised by the Ministers; or
- (b) uses that plant protection product under the direct and personal supervision of a person who holds such a certificate; or
- (c) uses it in accordance with an approval, if any, for one of the uses specified in paragraph 7(1)(c) above.

9.—(1) In paragraphs 7 and 8 above “prescribed plant protection product approved for agricultural use” means a prescribed plant protection product (other than a plant protection product with methyl bromide or chloropicrin as one of its active substances) approved for one or more of the following uses—

- (a) agriculture and horticulture (including amenity horticulture);
- (b) forestry;
- (c) in or near water, other than for amateur, public hygiene or anti-folding uses;
- (d) industrial herbicides, including weed-killers for use on land not intended for the production of any crop.

(2) In this paragraph “water” means any surface water.

10. For the purpose of this Schedule “approval” means any approval given under the Plant Protection Products Regulations and “approved” shall be construed accordingly.