

SCHEDULE 1

Regulation 7(a)

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

1.—(1) An advertisement of a prescribed plant protection product shall relate only to such conditions as are permitted by the approval given in relation to that plant protection product.

(2) No advertisement of a prescribed plant protection product shall contain any claim for safety in relation to that plant protection product which is not permitted by the approval given in relation to that plant protection product to be on the label for the product.

(3) In this paragraph “approval” means any approval given under the Plant Protection Products Regulations.

2.—(1) Any advertisement of a prescribed plant protection product, other than a notice at the point of sale which is intended to draw attention solely to product name and price, shall include—

(a) a statement of each active substance of each prescribed plant protection product mentioned in the advertisement, such statement being the name by which each active substance is identified in the approval given under the Plant Protection Products Regulations in relation to the prescribed plant protection product in which it is contained;

(b) a general warning as follows:

“Always read the label. Use pesticides safely”; and

(c) in relation to each prescribed plant protection product mentioned in the advertisement, a statement of the nature of any special risks for humans, animals or the environment, using the same words as are required in accordance with paragraph 1(g) of Schedule 2 to the Plant Protection Products Regulations, or by the Ministers under paragraph 6 of that Schedule, to be included in the labelling of the product.

(2) Notwithstanding sub-paragraph (1)(a) above—

(a) any price list consisting only of an indication of product availability and price need not state the active substance of each prescribed plant protection product;

(b) any advertisement of a range of prescribed plant protection products need only state the active substances of those individual products which are identified by name.

(3) Any statement or warning given under this paragraph shall be—

(a) in the case of a printed or pictorial advertisement, clearly presented separately from any other text; and

(b) in the case of an advertisement which is broadcast or recorded or is stored or transmitted by electronic means, clearly spoken or shown separately.

3. In this Schedule “advertisement” means any printed, pictorial, broadcast or recorded advertisement and includes any advertisement which is stored or transmitted by electronic means.

SCHEDULE 2

Regulation 7(b)

CONDITIONS RELATING TO CONSENT TO THE SALE, SUPPLY AND STORAGE 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 sell, supply or store prescribed plant protection products are provided with such instruction, training and guidance as is necessary to enable those

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persons to comply with any requirements provided in and under these Regulations and the Plant Protection Products Regulations.

- 2.—(1) Any person who sells, supplies or stores a prescribed plant protection product shall—
- (a) take all reasonable precautions, particularly with regard to storage and transport, to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water; and
 - (b) be competent for the duties which that person is called upon to perform.

(2) In this paragraph “water” means—

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

3. No person shall store for the purpose of sale or supply a prescribed plant protection product approved for agricultural use in a quantity in excess of, at any one time, 200 kg or 200 litres or, a similar mixed quantity, unless that person—

- (a) has obtained a certificate of competence recognised by the Ministers, or
- (b) stores that prescribed plant protection product under the direct supervision of a person who holds such a certificate.

4. No person shall sell, supply or otherwise market to the end-user 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) sells or supplies that prescribed plant protection product under the direct supervision of a person who holds such a certificate.

5.—(1) In paragraphs 3 and 4 above—

“approval” means any approval given under the Plant Protection Products Regulations and “approved” shall be construed accordingly;

“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-fouling 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.

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 (i) above;
- (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—

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- (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

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- (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.

SCHEDULE 4

Regulation 7(c)(ii)

CONDITIONS RELATING TO CONSENT TO THE USE OF PRESCRIBED PLANT PROTECTION PRODUCTS BY AERIAL APPLICATION

1. No person shall undertake an aerial application of a prescribed plant protection product unless—

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- (a) an aerial application certificate granted under article 42(2) of the Air Navigation Order 1985(1) is held by that person, that person's employer or the main contractor undertaking the aerial application, and
- (b) the prescribed plant protection product to be used has been approved for the intended aerial application.

2.—(1) No person shall undertake an aerial application of a prescribed plant protection product unless that person, or a person specifically designated in writing on that person's behalf, has—

- (a) not less than 72 hours before the commencement of the aerial application consulted the relevant authority if any part of land which is a Local Nature Reserve, a Marine Nature Reserve, National Nature Reserve or Site of Special Scientific Interest lies within 1500 metres of any part of the land to which that plant protection product is to be applied;
- (b) not less than 72 hours before the commencement of the aerial application consulted the appropriate area office of the Environment Agency (if the area in which the intended aerial application is to take place is in England and Wales) or the appropriate area office of the Scottish Environment Protection Agency (if such area is in Scotland) if the land to which that plant protection product is to be applied is adjacent to, or within 250 metres of, water;
- (c) obtained the consent of such office if that plant protection product is to be applied for the purpose of controlling aquatic weeds or weeds on the banks of watercourses or lakes;
- (d) not less than 24 hours and (so far as is practicable) not more than 48 hours before the commencement of the aerial application, given notice of the intended aerial application to the Chief Environmental Health Officer for the district in which the intended aerial application is to take place;
- (e) not less than 24 hours and (so far as is reasonably practicable) not more than 48 hours before the commencement of the aerial application given notice of the intended aerial application to the occupants or their agents of all property within 25 metres of the boundary of the land to which that plant protection product is to be applied;
- (f) not less than 24 hours and (so far as is practicable) not more than 48 hours before the commencement of the aerial application, given notice of the intended aerial application to the person in charge of any hospital, school or other institution any part of the curtilage of which lies within 150 metres of any flight path intended to be used for the aerial application; and
- (g) not less than 48 hours before the commencement of the aerial application, given notice of the intended aerial application to the appropriate reporting point of the local beekeepers' spray warning scheme operating within the district in which the intended aerial application is to take place.

(2) A notice of an intended aerial application given under paragraph (e) or (f) of sub-paragraph (1) above shall be in writing and include details of—

- (a) the name and address, and telephone number (if any), of the person intending to carry out the aerial application;
- (b) the name of the prescribed plant protection product to be applied and its active substance and approval registration number;
- (c) the intended time and date of application; and
- (d) an indication that the same details have been served on the Chief Environmental Health Officer for the district in which the intended aerial application is to take place.

(1) S.I.1985/1643.

3. No person shall undertake an aerial application of a prescribed plant protection product unless—
 - (a) the wind velocity at the height of application at the place of intended aerial application does not exceed 10 knots, except where the approval given in relation to that plant protection product permits aerial application when such wind velocity exceeds 10 knots;
 - (b) not less than 24 hours before the aerial application, that person has provided and put in place within 60 metres of the land to which that plant protection product is to be applied signs, of adequate robustness and legibility, to warn pedestrians and drivers of vehicles of the time and place of the intended aerial application; and
 - (c) before the aerial application that person has provided ground markers in all circumstances where a ground marker will assist the pilot to comply with the provisions of paragraph 5 below.
4. Any person who undertakes the aerial application of a prescribed plant protection product shall—
 - (a) keep and retain for not less than 3 years after each application records of—
 - (i) the nature, place and date of that application;
 - (ii) the registration number of the aircraft used;
 - (iii) the name and permanent address of the pilot of that aircraft;
 - (iv) the name and quantity of the plant protection product applied;
 - (v) the dilution and volume of application of the plant protection product applied;
 - (vi) the type and specification of application system (which may include nozzle type and size);
 - (vii) the method of application;
 - (viii) the flight times of the aerial application;
 - (ix) the speed and direction of the wind during the application; and
 - (x) any unusual occurrences which affected the application;
 - (b) provide the Ministers with summaries of the records required by sub-paragraph (a) above, in any manner which they may require under section 16(11) of the 1985 Act, within 30 days after the end of the calendar month to which those records relate.
5. The pilot of an aircraft engaged in an aerial application shall—
 - (a) maintain the aircraft at a height of not less than 200 feet⁽²⁾ from ground level when flying over an occupied building or its curtilage;
 - (b) maintain the aircraft at a horizontal distance from any occupied building and its curtilage, children's playground, sports ground or building containing livestock of—
 - (i) not less than 30 metres, if the pilot has the written consent of the occupier; and
 - (ii) not less than 60 metres, in any other case;
 - (c) maintain the aircraft at a height of not less than 250 feet from ground level over any motorway, or of not less than 100 feet from ground level over any other public highway, unless the motorway or public highway has been closed to traffic during the course of the application.
6. For the purposes of this Schedule—

(2) The metric equivalent of one foot is 0.3048 metres (Council Directive [89/617/EEC](#), OJNo. L357, 7.12.89, p. 29).

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“appropriate nature conservation agency” means English Nature, Scottish Natural Heritage and the Countryside Council for Wales;

“approval” means any approval given under the Plant Protection Products Regulations and “approved” shall be construed accordingly;

“curtilage”, in relation to any building, means the land attached to, and forming one enclosure with, that building;

“ground marker” includes a person who is instructed by a person intending to carry out an aerial application to be present on or near to the land to which the prescribed plant protection product is to be applied so that that person is able to communicate with the pilot of the aircraft engaged in the aerial application for the purpose of ensuring the safe application of that plant protection product;

“local beekeepers' spray warning scheme” means any scheme for the advance notification of the application of prescribed plant protection products, organised by local beekeepers and notified to the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland or the Secretary of State for Wales (being the Secretaries of State respectively concerned with agriculture in Scotland and Wales);

“Local Nature Reserve” means a nature reserve established by a local authority under section 21 of the National Parks and Access to the Countryside Act 1949⁽³⁾ and “the relevant authority” in regard to such a reserve shall be the local authority which is providing or securing the provision of the reserve;

“Marine Nature Reserve” means an area designated as such by the Secretary of State under section 36 of the Wildlife and Countryside Act 1981⁽⁴⁾, and the “relevant authority” in regard to such an area shall be the appropriate nature conservation agency;

“National Nature Reserve” means any land declared as such by the appropriate nature conservation agency under section 19 of the National Parks and Access to the Countryside Act 1949, or under section 35 of the Wildlife and Countryside Act 1981, and “the relevant authority” in regard to such land shall be the appropriate nature conservation agency;

“Site of Special Scientific Interest” means any area designated as such by the appropriate nature conservation agency under section 28 of the Wildlife and Countryside Act 1981, or in respect of which the Secretary of State has made an Order under section 29 of the Wildlife and Countryside Act 1981, and “the relevant authority” in regard to such an area shall be the appropriate nature conservation agency;

“water” means any surface water.

(3) 1949 c. 97.

(4) 1981 c. 69.