
STATUTORY INSTRUMENTS

1999 No. 3483

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 1999

Maximum residue levels

4.—(1) No person shall put into circulation any product named in Part 2 of Schedule 2 which contains a level of pesticide residue greater than the number of milligrams of that pesticide residue per kilogram of the product specified opposite the name of that product under the name of the pesticide concerned.

(2) Subject to paragraph (3) below, paragraph (1) above shall apply in relation to—

- (a) any product (in this regulation a “dried or processed product”) which after drying or processing is obtained from any of the products named in Part 2 of Schedule 2, and
- (b) any composite food which includes any of the products named in that Part of that Schedule, and the reference in paragraph (1) to a product named in that Part of that Schedule shall be construed accordingly.

(3) Where—

- (a) paragraph (1) above applies in relation to a dried or processed product or a composite food by virtue of paragraph (2) above, and
- (b) no maximum permitted level has been expressly specified in Part 2 of Schedule 2 as the amount of pesticide residue which may be contained in that dried or processed product or composite food,

paragraph (1) applies by reference to the maximum permitted level of pesticide residue applicable under that Part of that Schedule as it has effect by virtue of regulation 6(d) or, as the case may be, (e).

(4) Any person who, without reasonable excuse, contravenes or causes or permits any other person to contravene any provision of this regulation shall be guilty of an offence, and shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment, to a fine.

(5) In any proceedings for an offence under this regulation, it is a defence for the person charged to prove that when the product in question (or, as appropriate, the dried or processed product or the composite food) was put into circulation—

- (a) it was so put with the intention of its being exported to a country which is not an EEA State and the offence was caused by a treatment applied to that product being a treatment—
 - (i) required by the country of destination in order to prevent the introduction of harmful organisms into its territory; or
 - (ii) necessary to protect the product from harmful organisms during transport to the country of destination and storage there, or
- (b) it was so put with the intention that—
 - (i) it be used in the manufacture of things other than foodstuffs and animal feed; or

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(ii) it be used for sowing or planting.

(6) Sections 19 and 22 of, and Schedule 2 to, the Food and Environment Protection Act 1985 shall apply for the purposes of this regulation as they apply for the purposes of that Act taking references therein to that Act or any part of it to be references to this regulation.