

pesticide during the course of that employment, is provided with such instruction and guidance as is necessary to enable that person to comply with the requirements in and under the regulations.

2. Any person who sells, supplies or stores a pesticide shall:

- (a) take all reasonable precautions, particularly with regard to storage and transport, to protect the health of human beings, creatures and plants, to safeguard the environment, and in particular avoid the pollution of water; and
- (b) be competent for the duties which is called upon to perform.

3. No person shall sell, supply or otherwise market to the end-user an approved pesticide other than in the container supplied for that purpose by the holder of the approval of that pesticide, and under a label approved by the Ministers.

4. No person shall store for the purpose of sale or supply a pesticide approved for agricultural use in a quantity in excess of, at any one time, 200 kilogrammes or 200 litres or a similar mixed quantity unless he has obtained a certificate of competence recognised by the Ministers, or he stores that pesticide under the direct supervision of a person who holds such a certificate.

5. No person shall sell, supply or otherwise market to the end-user a pesticide approved for agricultural use unless he has obtained a certificate of competence recognised by the Ministers, or he sells or supplies that pesticide under the direct supervision of a person who holds such a certificate.

6. For the purposes of conditions 4 and 5, "a pesticide approved for agricultural use" means a pesticide (other than one with methyl bromide as an active ingredient) approved for use within one or more of the following fields of use:

Agriculture and horticulture (including amenity horticulture),
forestry,
in or near water (products for other than amateur, public hygiene or anti-fouling uses),
industrial herbicides (such as weedkillers for use on land not intended for cropping).

G. M. Trevelyn, Assistant Secretary for the Minister of Agriculture, Fisheries and Food.

N. J. King, Authorised by the Secretary of State for the Environment.

PESTICIDES

FOOD AND ENVIRONMENT PROTECTION ACT 1985

Control of Pesticides Regulations 1986

CONSENT C(i): USE OF PESTICIDES

In exercise of the power conferred by Regulation 6(c)(i) of the Control of Pesticides Regulations 1986 (S.I. 1986/1510) hereinafter referred to as "the regulations") and of all other powers enabling them in that behalf, the Minister of Agriculture, Fisheries and Food and the Secretary of State (hereinafter referred to as "the Ministers"), hereby jointly give their consent to the use of pesticides, subject forthwith to the conditions set out below. This Consent replaces Consent 2 dated 6th October 1986, which is hereby revoked, (other than the conditions relating to aerial application).

Conditions subject to which consent to the use of pesticides is given

1. It shall be the duty of every employer to ensure that any person in his employment who may be required to use a pesticide during the course of that employment is provided with such instruction and guidance as is necessary to enable that person to comply with the requirements in and under the regulations.

2. Any person who uses a pesticide shall take all reasonable precautions to protect the health of human beings, creatures and plants, to safeguard the environment, and in particular to avoid pollution of water.

3. No person shall use a pesticide in the course of his business or employment unless he has received adequate instructions and guidance in the safe, efficient and humane use of pesticides and is competent for the duties which he is called upon to perform.

4. Until 31st December 1991 no person shall combine or mix for use two or more organophosphorus pesticides or an organophosphorus pesticide and a carbamate pesticide unless the approved label of at least one of the pesticide products states that the intended mixture may be made; and no person shall combine or mix for use two or more pesticides if all the conditions of approval relating to their use cannot be complied with.

5. No person shall use a pesticide in conjunction with an adjuvant except in accordance with the conditions of the approval given originally in relation to that pesticide or as varied subsequently by lists of authorised adjuvants published by the Ministers.

6. No person shall use in the course of a commercial service a pesticide approved for agricultural use, unless:

- (i) he has obtained a certificate of competence recognised by the Ministers; or
- (ii) he uses the pesticide under the direct and personal supervision of a person who holds such a certificate; or
- (iii) he uses it in accordance with an approval, if any, for use in one of the following fields of use:
home garden (amateur gardening),
animal husbandry,
food storage practice,
vertebrate control (e.g. rodenticides and repellents),
home kitchen and larder,
other domestic use,
wood preservative,
masonry biocides,
public hygiene/nuisance,
"other" industrial biocides,
anti-fouling paint,
"other" (as may be defined by the registration authority).

7. No person who was born later than 31st December 1964 shall use a pesticide approved for agricultural use, unless:

- (i) he has obtained a certificate of competence recognised by the Ministers; or
- (ii) he uses the pesticide under the direct and personal supervision of a person who holds such a certificate; or
- (iii) he uses it in accordance with an approval, if any, for one of the fields of use listed under paragraph 6(iii) above.

8. For the purposes of these conditions:

- (a) "adjuvant" has the meaning ascribed to it in Regulation 2(1) of the regulations.
- (b) "commercial service" means the application of a pesticide by a person:
(i) to crops, land, produce, materials, buildings or the contents of buildings not in his or his employers' ownership or occupation; and
(ii) to seed other than seed intended solely for use by that person or his employer.
- (c) "a pesticide approved for agricultural use" means a pesticide (other than one with methyl bromide as an active ingredient) approved for use within one or more of the following fields of use:

agriculture and horticulture (including amenity horticulture),
forestry,
in or near water (products for other than amateur, public hygiene or anti-fouling uses),
industrial herbicides (such as weedkillers for use on land not intended for cropping).

G. M. Trevelyn, Assistant Secretary for the Minister of Agriculture, Fisheries and Food.

N. J. King, Authorised by the Secretary of State for the Environment.

PESTICIDES

FOOD AND ENVIRONMENT PROTECTION ACT 1985

Control of Pesticides Regulations 1986

CONSENT C(ii): AERIAL APPLICATION OF PESTICIDES

In exercise of the power conferred by Regulation 6(c)(ii) of the Control of Pesticides Regulations 1986 (SI 1986/1510) (hereinafter referred to as "the regulations") and of all other powers enabling them in that behalf, the Minister of Agriculture, Fisheries and Food, and the Secretary of State (hereinafter referred to as "the Ministers"), hereby jointly give their consent to the application of pesticides from an aircraft in flight subject forthwith to the conditions set out below. This Consent replaces the provisions within Consent 2 dated 6th October 1986 relating to aerial application.

Additional conditions subject to which consent to the use of pesticides applied from an aircraft in flight is given.

1. No person shall undertake an aerial application unless he or his employer or main contractor holds an aerial application certificate