



Jersey

**PESTICIDES (GENERAL PROVISIONS)
(JERSEY) ORDER 1991**

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PESTICIDES (GENERAL PROVISIONS) (JERSEY) ORDER 1991

Arrangement

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Jersey

PESTICIDES (GENERAL PROVISIONS) (JERSEY) ORDER 1991¹

THE ECONOMIC DEVELOPMENT COMMITTEE, in pursuance of Articles 4 and 17 of the Pesticides (Jersey) Law 1991² having had regard to the interests of persons supplying information for the purposes of Article 6 of the Law and after consultation with the Employment and Social Security Committee, orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order, unless the context otherwise requires –

“active ingredient” means a component of a pesticide which fits it for use as a pesticide;

“adjuvant” means a substance, other than water, without significant pesticidal properties, which enhances or is intended to enhance the effectiveness of a pesticide when it is added to that pesticide;

“approval” means an approval given by the Minister under Article 4 in relation to a pesticide;

“approved certificate of competence” means a certificate of competence approved by Act of the Minister;

“evaluation” means a written evaluation of study reports or other data examined in the course of an appraisal by the Minister of a pesticide in relation to which approval is sought;

“experimental permit” has the meaning assigned to it by Article 4(2)(a);

“full approval” has the meaning assigned to it by Article 4(2)(c);

“Law” means the Pesticides (Jersey) Law 1991;³

“metal working fluid” means any fluid used to facilitate the cutting, drilling, forming or machining of metal;

“micropropagation” means the growth of plantlets from tissue culture or small parts of a plant in culture solution and under conditions which are sterile apart from the presence of that plant;

“mycoplasma” means a genus of organisms which have a unit membrane without a rigid cell wall and are highly pleomorphic, having no independent form or spore stage in the life cycle;

“novel food” means any food or food ingredient produced from raw material which hitherto has not been used for human consumption or has been so used only in small amounts, or produced by new or extensively modified processes not previously used in the production of food;

“paint” includes surface coatings;

“provisional approval” has the meaning assigned to it by Article 4(2)(b);

“sell” includes offer or expose for sale or have in possession for sale, and “sale” shall be construed accordingly;

“standard condition” means a condition specified in Schedule 1, 2 or 3;

“supply” includes offer to supply;

“soil sterilant” means a substance used to control harmful organisms in soil or compost.

2 Application

- (1) Subject to the provisions of this Article, this Order applies to pesticides and to any substance, preparation or organism prepared or used for any of the following purposes –
 - (a) protecting plants or wood or other plant products from harmful organisms;
 - (b) regulating the growth of plants;
 - (c) giving protection against harmful creatures;
 - (d) rendering such creatures harmless;
 - (e) controlling organisms with harmful or unwanted effects on water systems, buildings or other structures, or on manufactured products;
 - (f) protecting animals against ectoparasites,as if it were a pesticide.
- (2) This Order does not apply to –
 - (a) organisms other than bacteria, protozoa, fungi, viruses, and mycoplasmas, used for destroying or controlling pests;
 - (b) substances whose use or sale within Jersey is controlled under any of the following enactments –

Fertilisers and Feeding Stuffs (Jersey) Law 1950;⁴

Pharmacy and Poisons (Jersey) Law 1952;⁵

Food Safety (Jersey) Law 1966,⁶

- when those substances are used or sold for the purpose over which control under that enactment is exercised;
- (c) substances prepared or used for the purpose of disinfecting, bleaching or sterilizing any substance (including water), other than soils, compost or other growing medium;
 - (d) substances used in laboratories for the purpose of the micropropagation of plants or substances used in the production of novel food;
 - (e) substances designed and used for –
 - (i) the stimulation of the growth of plants, excluding materials which act as plant growth hormones, or which mimic the action of such materials,
 - (ii) the modification of micro-biological processes in soil, excluding soil sterilants,
 - (iii) assistance in the anaerobic fermentation of silage;
 - (f) pesticides –
 - (i) used in adhesive pastes, decorative paper or textiles,
 - (ii) intended solely for exportation from Jersey,
 - (iii) used as part of a manufacturing process, other than for the purpose of preserving timber or timber products or in the production of food,
 - (iv) used in preparations intended for topical application to human beings for the purpose of repelling insects,
 - (v) used in metal working fluids,
 - (vi) used in paint,
 - (vii) used in water supply systems or in swimming pools.
- (3) Notwithstanding paragraph (2)(f)(iii) and (vi), “pesticides” in paragraph (1) shall include paints used to prevent the fouling of the hulls of vessels or structures below the waterline, or applied to nets, floats or other apparatus used in the cultivation of fish.

3 Prohibitions

- (1) No person shall advertise a pesticide unless –
 - (a) the Minister has given a provisional or full approval under Article 4 in relation to that pesticide; and
 - (b)
 - (i) any conditions of the approval related to advertisement, and
 - (ii) the standard conditions regulating advertisement specified in Schedule 1,have been complied with.
- (2) No person shall sell a pesticide unless –

- (a) the Minister has given a provisional or full approval under Article 4 in relation to that pesticide; and
 - (b)
 - (i) any conditions of the approval related to sale, and
 - (ii) the standard conditions regulating sale specified in Schedule 2,

have been complied with.
- (3) No person shall supply a pesticide unless –
 - (a) the Minister has given an approval under Article 4 in relation to that pesticide; and
 - (b)
 - (i) any conditions of the approval related to supply, and
 - (ii) the standard conditions regulating supply specified in Schedule 2,

have been complied with.
- (4) No person shall store a pesticide unless –
 - (a) the Minister has given an approval under Article 4 in relation to that pesticide; and
 - (b)
 - (i) any conditions of the approval related to supply, and
 - (ii) the standard conditions regulating storage specified in Schedule 2,

have been complied with.
- (5) No person shall use a pesticide unless –
 - (a) the Minister has given an approval under Article 4 in relation to that pesticide; and
 - (b)
 - (i) any conditions of the approval related to use, and
 - (ii) the standard conditions regulating use specified in Schedule 3,

have been complied with.

4 Approvals

- (1) Subject to the provisions of this Article, the Minister may give his or her approval in relation to a pesticide of any description.
- (2) The Minister's approval may be given in relation to a pesticide in the form of –
 - (a) an experimental permit to enable testing and development to be carried out with a view to providing the Minister with safety and other data;
 - (b) a provisional approval for a stipulated period with a view to satisfying the Minister's outstanding data requirements; or

- (c) a full approval, for an unstipulated period.
- (3) Each approval may authorize the supply, storage and use of the pesticide to which it relates and a provisional approval or a full approval may in addition authorize the advertisement and sale of that pesticide.
- (4) An approval may be given subject to conditions imposed when or after it is given.
- (5) The Minister may at any time –
 - (a) review, revoke or suspend an approval;
 - (b) amend the conditions of an approval.

5 Seizure or disposal of pesticides

- (1) If there has been a breach in relation to any pesticide, of any of the specified prohibitions imposed by Article 3, or of a condition of an approval, or of a standard condition, the Minister shall have power –
 - (a) to seize or dispose of the pesticide or to require that some other person shall dispose of it;
 - (b) to seize or dispose of anything treated with the pesticide or to require that some other person shall dispose of any such thing;
 - (c) to direct some other person to take such remedial action as appears to the Minister to be necessary as a result of the contravention.
- (2) If any pesticide has been imported into Jersey in contravention of any of the specified prohibitions imposed by Article 3, or of a condition of an approval or of a standard condition, the Minister may require that it shall be removed out of Jersey.

6 Release of information to the public

- (1) Upon the giving of a provisional approval or of a full approval or following the amendment of the conditions of an approval, the Minister may, at the request of any person, make available to him or her for inspection, on such conditions as the Minister may determine, an evaluation of the pesticide in relation to which that approval was given or those conditions were amended.
- (2) If a person satisfies the Minister that an evaluation made available to him or her for inspection under paragraph (1) gives insufficient information for his or her purposes, the Minister may make available for his or her inspection at such times and on such conditions as may be determined by the Minister, the study reports (or other data) supplied in support of an application for the approval.
- (3) A copy of an evaluation or study report may be furnished by the Minister on payment of such fee as the Minister considers to be reasonable.
- (4) No person to whom an evaluation or a study report has been made available by virtue of paragraph (1), (2) or (3) shall make any commercial use of the information contained therein nor, unless authorized in writing

by the Minister so to do, publish any of the contents of that evaluation or study report.

7 Citation

This Order may be cited as the Pesticides (General Provisions) (Jersey) Order 1991.

SCHEDULE 1

(Article 3(1))

**STANDARD CONDITIONS REGULATING ADVERTISEMENT OF
PESTICIDES**

1. An advertisement shall relate only to such uses of a pesticide as are permitted by the approval given in relation to that pesticide.
2. No advertisement shall contain any claims for safety in relation to the pesticide advertised which is not permitted on the label for that pesticide.
3. Any printed, pictorial, broadcast or recorded advertisement other than a notice at the point of sale intended to draw attention solely to product name and price, whether contained in a leaflet, poster, newspaper, magazine or other periodical, including an advertisement diffused through any broadcast or recorded medium, shall include –
 - (a) a statement of the active ingredient of each pesticide mentioned in the advertisement, such statement being the name by which the active ingredient is identified in the approval given in relation to the pesticide in which it is contained, except that any price list consisting only of an indication of product availability and price need not state the active ingredients of each pesticide and that any advertisement of a range of pesticides need only state the active ingredients of those individual products which are identified by name;
 - (b) a general warning as follows –
“Read the label before you buy: Use pesticides safely”; and
 - (c) where required by a condition of the approval given in relation to a pesticide mentioned in the advertisement, a statement of any special degree of risk to human beings, creatures, plants or the environment.
4. Any statement or warning given under Condition 3 shall be clearly presented –
 - (a) in the case of a printed or pictorial advertisement, separately from any other text; and
 - (b) in the case of a broadcast or recorded advertisement, shown or spoken separately.

SCHEDULE 2

(Article 3(2), (3) and (4))

STANDARD CONDITIONS REGULATING THE SALE, SUPPLY AND STORAGE OF PESTICIDES

1. It shall be the duty of every employer to ensure that a person in the employer's employment who may be required to sell, supply or store 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 of the Law, the Orders made thereunder and any Code of Practice issued by the Minister under Article 7 of the Law.
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 he or she is called upon to perform.
3. No person shall sell or supply 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 Minister.
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 kg or 200 litres or a similar mixed quantity unless he or she has obtained an approved certificate of competence, or he or she stores that pesticide under the direct supervision of a person who holds such a certificate.
5. No person shall sell or supply a pesticide approved for agricultural use unless he or she has obtained an approved certificate of competence, or he or she sells or supplies that pesticide under the direct supervision of a person who holds such a certificate.
6. In Conditions 4 and 5, "a pesticide approved for agricultural use" means a pesticide which does not have methyl bromide as an active ingredient and for which the approval provides that it may be used –
 - (a) for the purposes of agriculture, horticulture (including amenity horticulture) or forestry;
 - (b) in or near water (not being a product for amateur, public hygiene or anti-fouling use); or
 - (c) as an industrial herbicide.

SCHEDULE 3

(Article 3(5))

STANDARD CONDITIONS REGULATING USE OF PESTICIDES

1. It shall be the duty of every employer to ensure that any person in his or her 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 of the Law, the Orders made thereunder and any Code of Practice issued under Article 7 of the Law.
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 or her business or employment unless he or she has received adequate instructions and guidance in the safe, efficient and humane use of pesticides and is competent for the duties which he or she is called upon to perform.
4. No person shall combine or mix for use 2 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 2 or more pesticides if all the conditions of approval relating to this 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 authorized adjuvants published by the Minister.
6. No person shall use in the course of a commercial service a pesticide approved for agricultural use, unless –
 - (a) he or she has obtained an approved certificate of competence; or
 - (b) he or she uses the pesticide under the direct and personal supervision of a person who holds such a certificate; or
 - (c) he or she uses it in accordance with an approval which provides that –
 - (i) it may be used for one or more of the following purposes –

animal husbandry,

amateur gardening,

vertebrate control,

food storage treatment, or

public hygiene (including nuisance control),
or

(ii) it may be used –

for general domestic purposes,

as a wood preservative,

as an anti-fouling paint, or

as a masonry or other (as specified by the
Minister) industrial biocide.

7. No person shall use a pesticide approved for agricultural purposes unless –

- (a) he or she has obtained, by such date as the Minister may specify, either in relation to that person or to any class of persons to which he or she belongs, an approved certificate of competence;
- (b) he or she uses the pesticide under the direct and personal supervision of a person who holds such a certificate;
- (c) in the case of any area of land not exceeding one vergée, he or she has obtained a permit from the Minister; or
- (d) he or she uses it in accordance with an approval, if any, for one of the purposes listed under Condition 6(c).

8. In these Conditions –

- (a) “adjuvant” includes products which are extenders, and sticking agents, and adjuvant oils;
- (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 her or his or her employer’s ownership or occupation, and
 - (ii) to seed, other than seed intended solely for use by that person or his or her employer;
- (c) “pesticide approved for agricultural use” means a pesticide which does not have methyl bromide as an active ingredient and for which the approval provides that it may be used –
 - (i) for the purposes of agriculture, horticulture (including amenity horticulture) or forestry,
 - (ii) in or near water (not being a product for amateur, public hygiene or anti-fouling use), or
 - (iii) as an industrial herbicide.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Pesticides (General Provisions) (Jersey) Order 1991	R&O.8274	1 October 1991
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	R&O.132/2005	9 December 2005

Table of Renumbered Provisions

Original	Current
1(1)	1
1(2), (3), (4)	spent, omitted from this revised edition

Table of Endnote References

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- ¹ *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *chapter 01.880*
- ³ *chapter 01.880*
- ⁴ *chapter 01.800*
- ⁵ *chapter 20.775*
- ⁶ *chapter 20.225*