STATUTORY INSTRUMENTS

1984 No. 1592

AGRICULTURE

The Fertilisers (Amendment) Regulations 1984

Made - - - -	*8th October* 1984
Laid before Parliament	*18th October* 1984
Coming into Operation	*18th April* 1985

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 66(1), 68(1), (2) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A(1), (2) and (4) and 84 of the Agriculture Act 1970(**a**) and now vested in them(**b**) and of all other powers enabling them in that behalf, after consultation in accordance with section 84(1) of the said Act with such persons or organisations as appear to them to represent the interests concerned, and

The Secretary of State, being the Minister designated(**c**) for the purposes of section 2(2) of the European Communities Act 1972(**d**) in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations, in exercise of the powers conferred on him by the said section 2(2), and of all other powers enabling him in that behalf,

hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Fertilisers (Amendment) Regulations 1984 and shall come into operation on 18th April 1985.

Amendment of the Fertilisers Regulations 1977

2. The Fertilisers Regulations 1977(**e**) are hereby amended—

(a) by inserting after regulation 2(2) thereof the following paragraph:

"(3) No person shall make available to any other person for the final use by that other person as a fertiliser any ammonium nitrate, as defined in column 3 of Section A of the table in Schedule 1, which is designated as an EEC fertiliser and contains more than 28% by weight of nitrogen unless the material is in a package or container which complies with the provisions of paragraph 3 of Part II of Schedule 2.";

(b) by inserting after regulation 11 thereof the following cross-heading and regulation:

(**a**) 1970 c.40; section 74A was inserted by paragraph 6 of Schedule 4 to the European Communities Act 1972 (c.68) and the Act was amended by the Agriculture Act 1970 Amendment Regulations 1982 (S.I. 1982/980).
(**b**) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.
(**c**) S.I. 1976/897.
(**d**) 1972. c.68.
(**e**) S.I. 1977/1489, to which there are amendments not relevant to these regulations.

"Enforcement

11A. In so far as any provision of these regulations is made under section 2(2) of the European Communities Act 1972 that provision shall be enforced as if it were made under those provisions of the Agriculture Act 1970 under which the other provisions of these regulations are made, and the provisions of Part IV of the said Agriculture Act and of section 110 thereof and of any regulations made or to be made under the said Part IV shall apply thereto accordingly.";

(c) by adding at the end of the definition of ammonium nitrate in column 3 ("Meaning") of group 1*(a)* of section A ("STRAIGHT FERTILISERS") of the table in Schedule 1 thereto the following provisions:

"If the product is designated as an EEC fertiliser and contains more than 28% by weight of nitrogen (N) it shall have the following additional characteristics, (all the percentages specified being by weight):

(i) It shall not contain any inorganic additive or inert substance other than those named above which might increase the product's sensitivity to heat or its tendency to detonate. Heavy metals must not be added deliberately, and any traces which are incidental to the production process must not, by their presence, increase the product's sensitivity to heat or its tendency to detonate.

(ii) The oil retention of the product, which must first have undergone two thermal cycles of a temperature ranging from 25 to 50°C, must not exceed 4%.

(iii) The percentage of combustible material, measured as carbon, must not in the case of a product containing 31.5% or more of nitrogen exceed 0.2%, and must not in the case of a product containing between 28 and 31.5% of nitrogen exceed 0.4%.

(iv) A solution of 10 grams of the product in 100 millilitres of water must have a pH of at least 4.5.

(v) Not more than 5% of the product must be capable of passing through a 1 millimetre mesh sieve, and not more than 3% through a 0.5 millimetre mesh sieve.

(vi) The chlorine content must not exceed 0.02%."

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th September 1984.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

George Younger,
Secretary of State for Scotland.

27th September 1984

John Stradling Thomas,
Minister of State for Wales.

25th September 1984

Tom King,
Secretary of State for Employment.

8th October 1984

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations, which implement Articles 1, 2, 3 and 6 of the Council Directive 80/876/EEC (OJ No. L.250, 23.9.80., p.7), amend the Fertilisers Regulations 1977. They provide specifications for the composition and characteristics of straight ammonium nitrate fertilisers containing more than 28% of nitrogen and sold as "EEC fertilisers", and provide for such products to be made available for final use as fertilisers only when packaged.

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