

Breach EU Chemicals Ban and feel full force of the law, warns solicitor

Gardeners who zap bugs with banned chemicals risk fines of up to £20,000 or even a stretch in prison, a solicitor has warned.

Although the impact of the European Parliament's latest anti-pesticide vote is unlikely to be felt in the UK until 2010, Sussex-based Adams & Remers Solicitors has warned gardeners to ignore new legislation at their peril.

"Gardeners and land owners will have to be careful they're not using any banned substances to avoid hefty fines or even imprisonment." Said solicitor Albie Passmore.

The new law could mean up to 20 per cent of pesticides being phased out if they contain active ingredients that the EU Parliament believes could cause a cancer or harm human reproduction.

Albie added: "The ban may seem harsh but measures have been agreed to allow these products to continue in specific circumstances, for example, if there is no alternative for protecting a plant from serious risk, a pesticide which failed the criteria could still be used for five years. In addition, the new rules will only take effect when a product comes up for its 10-year approval renewal, meaning that most existing pesticides will remain available until at least 2015."

The legislation has reached the final phase of approval. It is awaiting endorsement by EU agricultural ministers at a meeting in March.

Albie Passmore warned that penalties for not following the new regulations could be serious: fines of up to £20,000 in a Magistrates' Court or unlimited amounts and even prison if the offence is dealt with by the Crown Court.

Albie summed up: "It would be a good idea for anyone using pesticides to take advice now and take necessary action to ensure they won't be in breach of the new regulations and face what could be very hefty penalties."

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