

1985/196



## THE PESTICIDES REGULATIONS 1983, AMENDMENT NO. 2

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DAVID BEATTIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 5th day of August 1985

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 76 of the Pesticides Act 1979, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Pesticides Regulations 1983, Amendment No. 2, and shall be read together with and deemed part of the Pesticides Regulations 1983\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

**2. Damage to other property**—The principal regulations are hereby amended by revoking regulation 10, and substituting the following regulation:

“10. (1) Every person commits an offence against these regulations who applies or causes to be applied any herbicide in such a manner that damage results to any property other than the property on which the herbicide was applied or was intended to be applied.

\*S.R. 1983/14

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“(2) It shall be a good defence to a charge under subclause (1) of this regulation if the defendant proves that, in applying the herbicide or causing it to be applied, the defendant took all reasonable steps to prevent damage resulting to the property to which the charge relates.”

P. G. MILLEN,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations substitute a new regulation 10 in the Pesticides Regulations 1983, relating to causing damage to neighbouring property while applying any pesticide. The present provision prohibits the application of a pesticide “in such a reckless manner that damage results . . .”.

The new provision prohibits the application of a pesticide in any manner that results in damage, but provides a defence if the defendant can prove that he or she took all reasonable steps to prevent that damage.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 August 1985.

These regulations are administered in the Ministry of Agriculture and Fisheries.